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No. 3]

NEW DELHI, SATURDAY, JANUARY 20, 2001/PAUSA 30, 1922

इस भाग में विषय एक संख्या की जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेशों और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 9 जनवरी, 2001

का. आ. 70.—केन्द्रीय सरकार एतद्वारा
दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946
का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5
की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते
हुए गुजरात राज्य सरकार की अधिसूचना सं. जीजी/133/
एआरएम/28/2000-जीओआई-34-एम, दिनांक 15-11-2000
द्वारा प्राप्त गुजरात राज्य सरकार की सहमति से हथियार
और गोला-बारूद की जब्ती के संबंध में के. आ. ब्यूरो,
एसआईए-11, नई दिल्ली शाखा में दर्ज मामला अपराध
सं. आर. सी. एसआईबी 2000ई 0007 में आयुध
अधिनियम, 1959 की धारा 25 के अधीन दंडनीय अपराधों
और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित
अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्र तथा उसी

संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से
उद्भूत किसी अन्य अपराध का अन्वेषण करने के
लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों
और अधिकारिता का विस्तार सम्पूर्ण गुजरात राज्य पर
करती है।

[सं. 228/63/2000-ए.वी.डी.-II]

हरि मिह, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSION
(Department of Personnel & Training)

New Delhi, the 9th January, 2001

S.O. 70.—In exercise of the powers conferred
by sub-section (1) of section 5 read with section 6
of the Delhi Special Police Establishment Act, 1946
(Act No. 25 of 1946), the Central Government with
the consent of the State Government of Gujarat vide

(195)

Notification No. GGI/33 ARM/28/2000-GOI-34-M dated 15-11-2000, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Gujarat for investigation of offences punishable under section 25 of Arms Act, 1959 vide Crime No. RC, SIB 2000E 0007, registered in SIU-XI, branch of CBI, New Delhi relating to seizure of Arms and Ammunition and attempts, abetments and conspiracy in relation to or in connection with one or more of the offences mentioned above and any other offence committed in the course of the same transaction arising out of the same facts.

[No. 228/63/2000-AVD. II]
HARI SINGH, Under Secy.

नई दिल्ली, 9 जनवरी, 2001

का. आ. 71.—केंद्रीय सरकार एनडब्ल्यू दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हरियाणा सरकार की अधिसूचना सं. 20/3/2000-3 एच जी आई दिनांक 18-2-2000 द्वारा प्राप्त हरियाणा राज्य की संसक्ति से भारतीय दंड संहिता, 1860 (1860 का अधिनियम संख्या 45) की धारा 307 व 34 और अन्य अधिनियम के तहत पुलिस थाना सिटी कानून, हरियाणा में दिनांक 4-12-96 को दर्ज आराध सं. 1151/96, से उद्भूत आराध (अपराधों) तथा सम्बंधी व्यक्ति(यों) के विरुद्ध उसी संबंधित आराध के अनुक्रम में लिए गए अपराधों तथा उद्भूत अपराधों से संबंधित अपराधों में संश्लेषण और पड़ताल तथा उक्त संबंधित अपराधों के अनुक्रम में लिए गए उद्भूत अपराधों से उद्भूत अपराधों से संबंधित अपराधों में संश्लेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता को विस्तार पूर्ण हरियाणा राज्य पर करती है।

[सं. 228/65/2000-ए. वा. डी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 9th January, 2001

S.O. 71.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Haryana vide notification No. 20/3/2000-3-HGI dated 18-2-2000, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Haryana for investigation of offences under sections 307 and 34 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and also under the Arms Act of FIR No. 1151/96 dated 4-12-1996, registered at Police Station City, Karnal, and any other offence attempt, abetment and conspiracy in connection with the said offence, committed in course of the same transaction arising out of the same facts.

[No. 228/65/2000-AVD. II]
HARI SINGH, Under Secy.

नई दिल्ली, 9 जनवरी, 2001

का. आ. 72.—केंद्रीय सरकार एनडब्ल्यू दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और विशेष आपराधिक आवेदन सं. 971/2000, छबीलदाम प्रागजी भाई मेहता बनाम गुजरात राज्य में गुजरात उच्च न्यायालय, अहमदाबाद द्वारा पारित दिनांक 24-11-2000 के आदेश के अनुसरण में के. आ. द्वारा गांधीनगर में दर्ज मामला आर सी 33 (ए) 2000-गांधीनगर दिनांक 25-11-2000 के संबंध में भारतीय दंड संहिता की धारा 120-बी, 420, अपराध निवारण अधिनियम, 1938 की धारा 13(1) (डी) संपठित धारा 13(2) और शासकीय गुप्त बात अधिनियम, 1923 की धारा 5 और 15 के अंतर्गत संश्लेषण तथा उद्भूत अपराधों से संबंधित अपराधों में संश्लेषण और पड़ताल तथा उक्त संबंधित अपराधों के अनुक्रम में लिए गए उद्भूत अपराधों से उद्भूत अपराधों से संबंधित अपराधों में संश्लेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार करती है।

[सं. 228/67/2000-ए. वा. डी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 9th January, 2001

S.O. 72.—In exercise of the powers conferred by sub-section (1) of section 5 of the Delhi Special Police Establishment Act, 1946 (Act, No. 25 of 1946), and in pursuance of the order dated 24-11-2000 passed by the High Court of Gujarat at Ahmedabad in Special Criminal Application No. 971 of 2000, Chhabildas Pragjibhai Mehta Vs. State of Gujarat, the Central Government hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment for investigation of offences punishable under section 120-B, 420 Indian Penal Code, section 13(1)(d) read with 13(2) of Prevention of Corruption Act, 1988 and sections 5 and 15 of the Official Secret Act, 1923 and attempt, abetment, and conspiracy in relation to or in connection with the offences mentioned above and any other offence committed in the course of the same transaction arising out of the same facts registered with CBI Gandhinagar as RC-33(A)/2000-Gandhinagar dated 25-11-2000.

[No. 228/67/2000-AVD. II]

HARI SINGH, Under Secy.

नई दिल्ली, 9 जनवरी, 2001

का. आ. 74.—केंद्रीय सरकार एनडब्ल्यू दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ संपठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एच डी/219/पीसीआर/2000, दिनांक 16-10-2000 पर प्राप्त

कर्नाटक राज्य सरकार की सहमति से श्री यू. के. शर्मा, अनुभाग अधिकारी और श्री एम. पी. सिंह, सहायक निदेशक (केन्द्रीय लोक निर्माण विभाग), बागवानी, सेंट्रल डिबिजन, केन्द्रीय सदन, बंगलूर और किसी अन्य लोक सेवको अथवा व्यक्तियों के विरुद्ध भारतीय दंड संहिता, 1860 की धारा 120-बी तथा भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 7 और 13(2) सपठित धारा 13(1) (डी) के अधीन अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संयुक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्र तथा उसी संयुक्त प्रयत्नों के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[स. 228/69/2000-ए. बी. सी -II]

हरि सिंह, अवर सचिव

New Delhi, the 9th January, 2001

S.O. 73.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD/219/PCR/2000, dated 16-10-2000, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences under section 120B of the Indian Penal Code, 1860 and section 7 and 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 against Sri U. K. Sharma, Section Officer and Sri M. P. Singh, Assistant Director (CPWD), Horticulture, Central Division, Kendriya Sadan, Bangalore and any other public servants or persons and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/69/2000-AVD. II]

HARI SINGH, Under Secy.

नई दिल्ली, 9 जनवरी, 2001

का. आ 74—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एच डी 221/पीसीआर/2000, दिनांक 30-10-2000 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से श्री शंकरनारायण एस. डी. ई., कोलेस रोड बंगलूर और अन्य तथा, किसी अन्य लोक सेवको अथवा व्यक्तियों के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 7 के अधीन अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से

संबंधित अथवा संयुक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्र तथा उसी संयुक्त प्रयत्नों के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[स. 228/70/2000-ए. बी. सी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 9th January, 2001

S.O. 74.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD/221/PCR/2000, dated 30-10-2000, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences under section 7 of Prevention of Corruption Act, 1988 against Sri Shankar-narayana, S.D.E., Coles Road, Bangalore and others and any other public servants or persons and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction arising out of the same facts.

[No. 228/70/2000-AVD. II]

HARI SINGH, Under Secy.

दिल्ली मंत्रालय

(राजस्व विभाग)

(कार्यालय-आयुक्त, केन्द्रीय उत्पाद शुल्क आयुक्तालय)

अधिसूचना

4-नो. शु. (एन टी) 2000

जगपुर, दिनांक 19 दिसम्बर, 2000

संभागाध्यक्ष

का. आ 75—गोता गुरु अधिनियम, 1962 की धारा 152 के खण्ड (ए) के तहत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना संख्या 33/91 सी. टी. आर. (नं. टी) दिनांक प्रथम जुलाई, 1991 के अंतर्गत प्रदत्त शक्तियों का प्रयोग करने हुए मैं, दायीर सिंह, आयुक्त, केन्द्रीय उत्पाद-शुल्क, जगपुर प्रथम एतद्वारा गवर्नरिंग ड आ. यू. स्थापित करने के उद्देश्य से क्षेत्र सीकालेर गहर के गोपीनगर रोड, बीकानेर का मंडारण स्टेशन (वेयर हाउसिंग स्टेशन) घोषित करना है।

[फा. सं. बी. (16) सी. शु.-3/2000]

दायीर सिंह, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

(Office of the Commissioner & Central Excise)

NOTIFICATION

NO. 4-CUS (NT) 2000

Jaipur, the 19th December, 2000

S.O. 75.—In exercise of the powers conferred by notification No. 33/94-Customs (NT), dated the 1st July, 1994, by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, issued under clause (a) of section 152 of Customs Act, 1962. I, Dalbir Singh, Commissioner of Customs & Central Excise, Jaipur, I, hereby declare, Gopisar Road, Bikaner, falling under the Municipal limits of Bikaner City of the State of Rajasthan to be warehousing station under the Customs Act, 1962 for the purpose of setting up 100% E.O.U.

[F. No. V(16)Cus.-3/2000]

DALBIR SINGH, Commissioner

सं०-3-सी.शु. (एन. टी.) 2000

जयपुर, 23 दिसम्बर, 2000

का०आ०—76 सीमा शुल्क अधिनियम, 1962 की धारा 152 के खण्ड (ए) के तहत भारत सरकार, वित्त मंत्रालय राजस्व विभाग, नई दिल्ली की अधिसूचना संख्या 33/94 सीमा शुल्क (एन.टी.) दिनांक प्रथम जुलाई, 1994 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, दलबीर सिंह आयुक्त केन्द्रीय उत्पाद शुल्क, जयपुर-प्रथम एतद्वारा शत-प्रतिशत ई.ओ. यू. स्थापित करने के उद्देश्य से सीमा शुल्क अधिनियम, 1962 की धारा 9 के अन्तर्गत राजस्थान राज्य के जयपुर जिले में स्थित ग्राम बगरूरावान तहसील सांगानेर को भण्डारण स्टेशन (बैंगर हाउसिंग स्टेशन) घोषित करता हूँ।

[फा. सं. वी/(16) सी. शु. 4/2000]

दलबीर सिंह, आयुक्त

No. 3-CUS (NT) 2000

Jaipur, 23rd November, 2000

S.O. 76.—In exercise of the powers conferred by notification No. 33/94-Customs (NT), dated the 1st July, 1994, by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, issued under clause (a) of section 152 of Customs Act, 1962. I, Dalbir Singh, Commissioner of Customs & Central Excise, Jaipur, I, hereby declare, village 'BAGRU RAWAN', Tehsil Sanganer, District

Jaipur, State of Rajasthan to be warehousing station under the Customs Act, 1962 for the purpose of setting up 100% E.O.U.

[C. No. V(16)Cus.-4/2000]

DALBIR SINGH, Commissioner

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 1 जनवरी, 2001

का. आ. 77—राष्ट्रीयकृत बैंक और (प्रबंध और प्रकीर्ण उपबंध स्कीम 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) नई दिल्ली में अवर सचिव, श्री राम मोहन को तत्काल प्रभाव से और अगले आदेश होने तक इंडियन ओवरसीज बैंक के बोर्ड में निदेशक के रूप में नामित करती है।

[फा. सं. 9/8/2000-बी.ओ.-I]

रमेश चन्द, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 1st January, 2001

S.O. 77.—In exercise of the powers conferred by clause (b) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates Shri Ram Mohan, Under Secretary, Ministry of Finance, Department of Economic Affairs, Banking Division, New Delhi as a Director on the Board of Indian Overseas Bank with immediate effect and until further orders.

[F. No. 9/8/2000-B.O.-I]

RAMESH CHAND, Under Secy.

नई दिल्ली, 5 जनवरी, 2001

का. आ. 78.—भारतीय स्टेट बैंक (अनुपंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 25 की उप-धारा (1) के खंड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, नीचे दी गई सारणी के कालम (2) में निर्दिष्ट व्यक्तियों को तत्काल प्रभाव से और अगले आदेशों तक उक्त सारणी के कालम

(1) में निदिष्ट भारतीय स्टेट बैंक के अनुपगी बैंको में निवेशक के रूप में नामित करती है :—

मारणी

1	2
स्टेट बैंक आफ मैसूर	श्री बी. डी. बेरवाल, अवर सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग, बैंकिंग प्रभाग, नई दिल्ली ।
स्टेट बैंक आफ पटियाला	श्री मंगल मराडी, अवर सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग, बैंकिंग प्रभाग, नई दिल्ली ।
स्टेट बैंक आफ साराष्ट्र	श्री एल. सी. दूरा, अवर सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग, बैंकिंग प्रभाग, नई दिल्ली ।

[फा. सं. 9/8/2000-बी. ओ. 1]
रमेश चन्द, अवर सचिव

New Delhi, the 5th January, 2001

S.O. 78.—In exercise of the powers conferred by clause (e) of sub-section (1) of section 25 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, hereby nominates the persons specified in column (2) of the table below as Directors of the subsidiary banks of the State Bank of India specified in column (1) thereof of the said Table, with immediate effect and until further orders :—

Table

(1)	(2)
-----	-----

State Bank of Mysore

Shri B. D. Berwal,
Under Secretary,
Ministry of Finance,
Department of Economic Affairs,
Banking Division,
New Delhi.

1	2
State Bank of Patiala	Shri Mangal Marandi, Under Secretary, Ministry of Finance, Department of Economic Affairs, Banking Division, New Delhi.
State Bank of Saurashtra	Shri L. C. Toora, Under Secretary, Ministry of Finance, Department of Economic Affairs, Banking Division, New Delhi.

[F. No. 9/8/2000-B.O. I]
RAMESH CHAND, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 10 जनवरी, 2001

का.आ. 79—भारत के राजपत्र के भाग II खंड 3 (ii) में प्रकाशित दिनांक 4 दिसम्बर, 2000 की अधिसूचना फा. सं. 11/27/बीओ/2000 (क) में निम्नलिखित संशोधन किया जाता है ।

सन्दर्भ के लिए पढ़ें
पक्ति (बी) धारा 13 धारा 15(1)

[फा. सं. 11/27/2000-बी ओ. ए.]

डी. चौधरी, अवर सचिव

CORRIGENDUM

New Delhi, 10th January, 2001

S.O. 79—In the notification F. No. 11/27/BOA-2000-(a) dated 4th December, 2000 published in Part II Section 3(ii) of the Gazette of India, following correction is made :

Reference Line(v)	For Section 13	Read Section 15(1)
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[F.No. 11/27/2000-BOA]

D. CHOUDHURY Under Secretary

नई दिल्ली, 5 जनवरी, 2001

का. आ. 80.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 3 के उप-खण्ड (1) और खण्ड 8 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं ग्रंथगण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खण्ड (क) द्वारा प्रदत्त

शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक में परामर्श करने के पश्चात् एतद्वारा श्री के. कृष्ण राय, जी इस समय विजया बैंक में महाप्रबन्धक है, को उनके कार्यभार ग्रहण करने की तारीख से 30 जून, 2004 तक इलाहाबाद बैंक के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/38/2000-बी. ओ. 1]

रमेश चन्द, अव्वर सचिव

New Delhi, the 5th January, 2001

S.O. 80.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri K. Krishna Rai, presently General Manager, Vijaya Bank as a whole time director (designated as the Executive Director) of Allahabad Bank for the period from the date of his taking charge and upto 30th June, 2004.

[F. No. 9/38/2000-B.O.I]

RAMESH CHAND, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 1 दिसम्बर, 2000

फा. आ. 81.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 की धारा 3 की उपधारा (1) के खण्ड (ख) के उपबन्धों के अनुसरण में डा. एस. चन्द्रशेखर शेट्टी, संख्या 130, प्रथम मुख्य मार्ग, एम. एल. ए. ले आउट, आर. टी. नगर, बंगलोर को 16 अक्टूबर, 2000 से राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, कर्नाटक के सीनेट द्वारा भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में निर्वाचित किया गया है।

अतः अब, उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में केन्द्र सरकार बंगलोर स्वास्थ्य मंत्रालय

भारत सरकार की अधिसूचना संख्या फा. आ. 138, दिनांक 9 जनवरी, 1960 में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खण्ड (ख) के अन्तर्गत निर्वाचित” शीर्षक के अन्तर्गत निम्नलिखित क्रम संख्या और प्रविष्टियां जोड़ी जाएंगी, अर्थात् :—

“76. डा. एस. चन्द्रशेखर शेट्टी, राजीव गांधी स्वास्थ्य संख्या-130, प्रथम मुख्य मार्ग, विज्ञान विश्वविद्यालय”
एम. एल. ए. ले आउट,
बंगलोर।

[सं. बी.-11013/23/2000-एमई (यू जी)]

एस. के. मिश्रा, अव्वर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 1st December, 2000

S.O. 81.—Whereas in pursuance of clause (b) of sub-section (1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. S. Chandrashekar Shetty, No. 130, 1st Main Road, M.L.A. Layout, R. T. Nagar, Bangalore has been elected by the Senate of Rajiv Gandhi University of Health Sciences, Karnataka on 16-10-2000 to be a member of the Medical Council of India with effect from 16th October, 2000.

Now, therefore, in pursuance of the provision of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the then Ministry of Health number S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading, ‘Elected under clause (b) of sub-section (1) of section 3’, the following serial number and entries shall be added, namely :—

“76. Dr. S. Chandrashekar Shetty, Rajiv Gandhi No. 130, 1st Main Road, University of

M.L.A. Layout,
Bangalore.

Health Sciences"

[No. V-11013/23/2000-ME(UG)]

S. K. MISHRA, Under Secy.

नई दिल्ली, 29 दिसम्बर, 2000

का.आ. 82.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के अनुसरण में और तमिलनाडु सरकार ने परामर्श के बाद डा. अमृत लाल, नाक, कान, गला, के प्रोफेसर, कामानिनी इंस्टीट्यूट आफ मेडिकल साइंसेज, नार्केट पल्ली, आन्ध्र प्रदेश को 28 फरवरी, 2001 में भारतीय आयुर्विज्ञान परिषद का सदस्य निर्वाचित किया गया है।

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में केन्द्र सरकार एतद्वारा तत्कालीन स्वास्थ्य मंत्रालय, भारत सरकार की अधिसूचना संख्या का.आ. 138, दिनांक 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में शीर्षक 'धारा 3 की उपधारा (1) के खंड (क) के अधीन निर्वाचित' के अधीन क्रम संख्या 7 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :—

7 डा. अमृत लाल,
3-4-868 बरकतपुरा,
हैदराबाद-500027.

[सं. वी-11013/27/2000-एम ई (ग जी)]

पी. जी. कलाधरन, अवर सचिव

New Delhi, the 29th December, 2000

S.O. 82.—Whereas the Central Government, in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Andhra Pradesh have nominated Dr. Amrith Lal, Prof. of ENT, Kamineni Institute of Medical Sciences, Narketpally, Andhra Pradesh to be a member of the Medical Council of India with effect from 28th February, 2001.

Now, therefore, in pursuance of the provision of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the then Ministry of Health number S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading, 'Nominated under clause (a) of sub-section (1) of section 3', for serial number 7 and the entries relating thereto, the following serial number and entries shall be substituted, namely :—

7. Dr. Amrith Lal,
3-4-868, Barkatpura,
Hyderabad-500027.

[No. V-11013/27/2000-ME(UG)]

P. G. KALADHARAN, Under Secy.

नई दिल्ली, 29 दिसम्बर, 2000

का.आ. 83.—केन्द्रीय सरकार ने भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा-3 की उप-धारा (i) के खंड (ग) के अनुसरण में गुजरात पंजीकृत चिकित्सा स्नातक निर्वाचन क्षेत्र में निर्वाचन का आयोजन किया है जहां से डा. हरेण कुमार पुरोषोत्तमदास भलोदिया 20 प्रोफेसर क्वार्टर्स, न्यू सिविल हॉस्पिटल कैम्पस, असर्वा अहमदाबाद को 4 नवम्बर, 2000 को 4 नवम्बर, 2000 में भारतीय आयुर्विज्ञान परिषद का सदस्य निर्वाचित किया गया है।

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबन्ध के अनुसरण में केन्द्रीय सरकार एतद्वारा तत्कालीन स्वास्थ्य मंत्रालय, भारत सरकार की अधिसूचना का. आ. संख्या 138, दिनांक 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिनियम में 'धारा 3 की उप धारा (1) के खंड (ग) के अधीन निर्वाचित' शीर्षक के अधीन क्रम संख्या 14 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात्

14. डा. हरेण कुमार पुरोषोत्तमदास भलोदिया,
20, प्रोफेसर क्वार्टर्स, न्यू सिविल हॉस्पिटल कैम्पस,
असर्वा,
अहमदाबाद-380016 (गुजरात)

[सं. टी-11013/11/99-एम. ई. (यू. जी.)]

पी. जी. कलाधरन, अवर सचिव

New Delhi, the 29th December, 2000

S.O. 83.—Whereas the Central Government in pursuance of clause (c) of sub-section (1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956) has conducted the election from the Registered Medical Graduate Constituency of Gujarat wherefrom Dr. Hareshkumar Purusottamdas Bhalodiya, 20, Professor's Quarters, New Civil Hospital Campus, Asarwa, Ahmedabad has been elected on 4-11-2000 to be a member of the Medical Council of India with effect from 4th November, 2000.

Now, therefore, in pursuance of the provision of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of

India in the then Ministry of Health number S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading, 'Elected under clause (c) of sub-section (1) of section 3', for the serial No. 14 and the entries relating thereto the following serial number and entries shall be substituted, namely :—

"14. Dr. Hareshkumar Purusottamdas Bhalodiya, 20, Professor's Quarters, New Civil Hospital Campus, Asarwa, Ahmedabad-380016 (Gujarat).

[No. V-11013/11/99-ME(UG)]
P. G. KALADHARAN, Under Secy.

नागर विमानन मंत्रालय

नई दिल्ली 9 जनवरी, 2001

का.आ. 84—केन्द्र सरकार सार्वजनिक स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार, नागर विमानन मंत्रालय की अधिसूचना का.आ. संख्या 739 दिनांक 15 फरवरी, 1999 अधिक्रमण में, उन बातों को छोड़कर जो ऐसे अधिक्रमण से पूर्व हो चुकी हो अथवा जिन्हें किया जाना छोड़ दिया गया हो एतद्द्वारा नीचे दी गई सारणी के स्तम्भ (क) में वर्णित गए अधिकारियों को जो कि सरकार के राजपत्रित अधिकारी के रैंक के समकक्ष हैं, उक्त अधिनियम के उद्देश्य हेतु सम्पदा अधिकारी नियुक्त करती है जो कि इस सारणी के स्तम्भ (ख) में विनिर्दिष्ट सार्वजनिक स्थानों के संबंध में अपने संबंधित कार्य क्षेत्र के भीतर उक्त अधिनियम द्वारा अथवा इसके अधीन सम्पदा अधिकारी पर अधिरोपित ह्यूटियों का पालन करेगा एवं प्रदत्त शक्तियों का प्रयोग करेगा ।

सारणी

अधिकारी का पदनाम	सार्वजनिक स्थानों की श्रेणियां
(क)	(ख)
1. सहायक महाप्रबंधक (कार्मिक/प्रशासन), एअर इंडिया लिमिटेड, इंदिरा गांधी अन्तर्राष्ट्रीय विमानपत्तन, नई दिल्ली ।	हरियाणा, हिमाचल प्रदेश, जम्मू और कश्मीर, पंजाब, राजस्थान, उत्तर प्रदेश राज्यों, राष्ट्रीय राजधानी क्षेत्र दिल्ली और चण्डी-गढ़ संघ क्षेत्र में एअर इंडिया लिमिटेड द्वारा अथवा इसकी ओर से पट्टे पर लिये गए हैं अथवा इसके अपने सभी स्थान ।
2. सहायक महाप्रबंधक, पूर्वी भारत, एअर इंडिया लिमिटेड, कलकत्ता ।	असम, बिहार, मेघालय, मिजोरम, नागालैंड, उड़ीसा, सिक्किम, त्रिपुरा, पश्चिमी बंगाल राज्यों और अण्डमान और निकोबार में संघ राज्य क्षेत्र में एअर इंडिया लिमिटेड द्वारा अथवा इसकी ओर से पट्टे पर लिए गए हैं अथवा इसके अपने सभी स्थान ।

क

ख

3. सहायक महाप्रबंधक, (कार्मिक प्रशासन), एअर इंडिया लिमिटेड चेन्नई।

ग्रान्ध प्रदेश, कर्नाटक, केरल, तमिलनाडु राज्यो, पाडिचेरी संघ राज्य क्षेत्र के वे सभी स्थान जो एअर इंडिया द्वारा अथवा इसकी ओर से पट्टे पर लिए गए हैं अथवा इसके अपने हैं।

4. वरिष्ठ प्रबंधक (कार्मिक/प्रशासन), एअर इंडिया लिमिटेड, मुख्यालय मुम्बई।

उपरोक्त क्रम संख्या 1, 2 और 3 में उल्लिखित स्थानों को छोड़कर पूरे भारत में सभी गैर-आवासीय स्थान जो एअर इंडिया लिमिटेड द्वारा अथवा इसकी ओर से पट्टे पर लिये गए हैं अथवा इसके अपने हैं।

5. वरिष्ठ प्रबंधक (कार्मिक/प्रशासन), एअर इंडिया लिमिटेड, पुराना विमानपत्तन, मुम्बई।

एअर इंडिया फस्ट हाउसिंग कालोनी कालीना मान्ताकृज, मुम्बई में आवासीय स्थान।

6. सहायक महाप्रबंधक (कार्मिक/प्रशासन), एअर इंडिया लिमिटेड, पुराना विमानपत्तन, मुम्बई।

उपरोक्त क्रम संख्या 1, 2, 3 और 5 में उल्लिखित स्थानों को छोड़कर पूरे भारत में सभी स्थानों पर एअर इंडिया लिमिटेड द्वारा अथवा इसकी ओर से पट्टे पर लिये गए हैं अथवा इसके अपने हैं।

[फा. स. ए. नो-18050/02/97-ए.आई.]

करतार सिंह पवार, अवसर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 09th January, 2001

S.O. 84 --- In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of Notification of the Government of India in the Ministry of Civil Aviation S.O. No. 739 dated 15th February, 1999, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officers mentioned in column (A) of the Table below, being officers equivalent to the rank of the Gazetted Officer of the Government, to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estate Officers by or under the said Act, within the limits of their respective jurisdiction in respect of the public premises specified in column (B) of the said Table.

TABLE

Designation of the officer	Categories of public premises
(A)	(B)
1. Assistant General Manager (Personnel/ Administration), Air India Limited, Indira Gandhi International Airport, Delhi.	All premises belonging to or taken on lease by or on behalf of Air India Limited in the States of Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan, Uttar Pradesh, National Capital Territory of Delhi and the Union Territory of Chandigarh.
2. Assistant General Manager— Eastern India Air India Limited, Calcutta.	All premises belonging to or taken on lease by or on behalf of Air India Limited in the States of Assam, Bihar, Meghalaya, Mizoram, Nagaland, Orissa, Sikkim, Tripura, West Bengal and the Union Territory of the Andaman and Nicobar.

A	B
3. Assistant General Manager (Personnel/Administration), Air India Limited, Chennai.	All premises belonging to or taken on lease by or on behalf of Air India Limited in the States of Andhra Pradesh, Karnataka, Kerala, Tamilnadu, and the Union Territory of Pondicherry.
4. Senior Manager (Personnel/Administration), Air India Limited, Headquarters, Mumbai.	All Non-residential premises belonging to or taken on lease by or on behalf of Air India Limited throughout India except those mentioned at serial numbers 1, 2 and 3.
5. Senior Manager (Personnel/Administration), India Limited, Old Airport, Mumbai.	Residential premises at Air India First Housing Colony Kalina, Santa Cruz, Mumbai.
6. Assistant General Manager (Personnel/Administration) Air India Limited, Old Airport, Mumbai.	All residential premises belonging to or taken on lease by or on behalf of Air India Limited throughout India except those mentioned at serial numbers 1, 2, 3 and 5.

[F.No.AV.18050/02/97-A]

K.S. PANWAR, Under Secy.

पर्यटन एवं संस्कृति मंत्रालय

(संस्कृति विभाग)

नई दिल्ली, 9 जनवरी, 2001

का.आ. 85— केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम 4 के अनुसरण में पर्यटन एवं संस्कृति मंत्रालय, संस्कृति विभाग के अधीन निम्नलिखित कार्यालय जिसके 80% से अधिक कर्मचारियों ने हिन्दी का कार्य-साध्यक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।—

खुदाबख्श ओरियन्टल पब्लिक लाइब्रेरी,
पटना।

[F. 1-2/99-हिन्दी]

जयप्रकाश कर्दम, उप निदेशक (रा.भा.)

MINISTRY OF TOURISM & CULTURE

(Department of Culture)

New Delhi, the 9th January, 2001

S.O. 85.—In pursuance of Sub-rule (4) of the Rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976 the Central Government hereby notifies the following office under the Ministry of Tourism & Culture, Department of Culture, more than 80% staff of which has acquired working knowledge of Hindi :—

Khudabaksh Oriental Public Library, Patna.

[No. F. 1-2/99-Hindi]

JAI PRAKASH KARDAM, Dy. Director (OL)

नई दिल्ली, 9 जनवरी, 2001

का.आ. 86— केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम 4 के अनुसरण में पर्यटन और संस्कृति मंत्रालय, संस्कृति विभाग के अधीन निम्नलिखित कार्यालयों को जिनके 80% से अधिक कर्मचारियों ने हिन्दी का कार्य-साध्यक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।—

उप अधीक्षक पुरातत्वविद् का कार्यालय,
भारतीय पुरातत्व सर्वेक्षण,
नव. सर्किल, पणजी (गोवा)

[F. 1-2/99-हिन्दी]

जयप्रकाश कर्दम, उप निदेशक (रा.भा.)

New Delhi, the 9th January, 2001

S.O. 86 —In pursuance of Sub-rule (4) of the Rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976 the Central Government hereby notifies the following offices/sections of Archaeological Survey of India under the Ministry of Tourism & Culture, Department of Culture, more than 80% staff of which has acquired working knowledge of Hindi :—

Office of the Dy. Superintending Archaeologist,
Archaeological Survey of India, Mini
Circle, Panji (Goa).

[No. F. 1-2/99-Hindi]

JAI PRAKASH KARDAM, Dy. Director (OL)

कोयला मंत्रालय

नई दिल्ली, 10 जनवरी, 2001

का. आ. 87.— केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपायद्व अनुसूची में उल्लिखित परिक्षेत्र में की भूमि से कोयला अभिप्राप्त किए जाने की संभावना है,

अतः, अध. केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है,

इस अधिसूचना के अन्तर्गत आने वाले रेखांक सं० एमसीएल/एमएमवी/सीजीएम(सी पी एण्ड पी) / कनीहा - II (नीलाचल)/00/17, तारीख 26 अप्रैल, 2000 का निरीक्षण मुख्य महा प्रबंधक (कोयला परियोजना और योजना) महानदी कोलफील्ड्स लि०, जागृति विहार, बुर्ला, संबलपुर- 768 018 (उड़ीसा) के कार्यालय में या कलकट और जिला मजिस्ट्रेट अन्गुल, उड़ीसा के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है ।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में, मितवद्व सभी व्यक्ति उक्त अधिनियम की धारा 13 की उप धारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्वे दिन भीतर भार साधक अधिकारी/ विभागाध्यक्ष (राजस्व/सम्पदा), महानदी कोलफील्ड्स लि०, जागृति विहार, बुर्ला, संबलपुर-768 018 (उड़ीसा) को देगे ।

अनुसूची

कनीहा-II नीलाचल ब्लॉक

तलघर कोलफील्ड

जिला अन्गुल उड़ीसा

सभी अधिनार

रेखांक सं० एम सी एल/एस ए एम बी/सी जी एम/सीपी एण्डपी/कनीहा-II
नीलाचल 00/17, तारीख 26 अप्रैल, 2000

क्रम सं०	ग्राम	पुलिस थाना	तहसील/ उप खंड	जिला/राज्य	एकड़ में क्षेत्र	टिप्पणी
1.	बालीपाटा	कनीहा/11	तलघर	अन्गुल/उड़ीसा	256.32	संपूर्ण
2.	बाडाहीरा	कनीहा/10	तलघर	अन्गुल/उड़ीसा	458.34	संपूर्ण
3.	कल्याणपुर	कनीहा/17	तलघर	अन्गुल/उड़ीसा	192.02	संपूर्ण

क्रम सं.	ग्राम	पुस्तक धाना	तहसील/ उप खंड	जिला/राज्य	एकड़ में टिप्पणी	क्षेत्र
4.	बुढामारा	कनीहा/80	तलधेर	अन्गुल/उडीसा	146.55	संपूर्ण
5.	देभुइत	कनीहा/79	तलधेर	अन्गुल/उडीसा	189.61	संपूर्ण
6.	धाडागुन्दरी	कनीहा/68	तलधेर	अन्गुल/उडीसा	2268.89	भाग
7.	जीराडंगा	कनीहा/70	तलधेर	अन्गुल/उडीसा	73.28	संपूर्ण
8.	भुङ्गपुर	कनीहा/69	तलधेर	अन्गुल/उडीसा	318.55	संपूर्ण
9.	गासुनीदारा	कनीहा/41	तलधेर	अन्गुल/उडीसा	410.00	भाग
10.	गोराबन्द्रापुर	कनीहा/62	तलधेर	अन्गुल/उडीसा	57.78	संपूर्ण
11.	बलरामपुर	कनीहा/61	तलधेर	अन्गुल/उडीसा	259.39	संपूर्ण
12.	कनीहा	कनीहा/60	तलधेर	अन्गुल/उडीसा	368.81	भाग
13.	कोसासुडा	कनीहा/63	तलधेर	अन्गुल/उडीसा	883.48	भाग
14.	जयपुर	कनीहा/64	तलधेर	अन्गुल/उडीसा	198.46	भाग
15.	अदित प्रताप	कनीहा/65	तलधेर	अन्गुल/उडीसा	103.40	भाग
16.	मालायासी	कनीहा/57	तलधेर	अन्गुल/उडीसा	112.12	संपूर्ण
17.	जमा निडा	कनीहा/66	तलधेर	अन्गुल/उडीसा	87.99	भाग
18.	गुंदुरीनाली	कनीहा/88	तलधेर	अन्गुल/उडीसा	322.00	भाग
19.	गैलन्दा	कनीहा/87	तलधेर	अन्गुल/उडीसा	128.88	भाग
20.	सरधापुर	कनीहा/85	तलधेर	अन्गुल/उडीसा	35.88	भाग
21.	सरधापुर	कनीहा/	तलधेर	अन्गुल/उडीसा	250.88	भाग
आरक्षित वन						
22.	गोद्वीरादंडा	कनीहा/	तलधेर	अन्गुल/उडीसा	45.00	संपूर्ण
आरक्षित वन						
23.	पीतलरागदीह	कनीहा/	तलधेर	अन्गुल/उडीसा	50.88	संपूर्ण
आरक्षित वन						
कुल					7146.30	
					१ लगभग	
					या	
					2892.068	डेक्टेबर
					१ लगभग	

सीमा वर्णन

- क-ख रेखा बिन्दु "क" से आरंभ होती है जो ग्राम कापुडिया, बालीपाटा और भाना आश्रित वन का त्रिसीमा बिन्दु है । यहां से यह ग्राम बालीपाटा और बाडाहीरा की उत्तरी सीमा के साथ-साथ पूर्व की ओर बढ़ती है । तब ग्राम मामुनीहा से होकर बन्कोली नाला को पार कर और ग्राम बलरामपुर और कनीहा की उत्तरी सीमा के साथ-साथ बिन्दु "ख" तक जाती है ।
- ग-घ-ङ. रेखा बिन्दु "ग" के पश्चात् ग्राम कनीहा की उत्तरी सीमा के साथ-साथ उत्तर पश्चिम की ओर बिन्दु "ग" तक जाती है । यहां से यह ग्राम कनीहा की पूर्वी सीमा के साथ-साथ दक्षिण की ओर जाती है और तब पश्चिम की ओर ग्राम कनीहा से होकर मड़क को पार करने के पश्चात् बिन्दु "घ" पर ग्राम कनीहा और कांसमुंडा की सम्मिलित सीमा को छूती है । फिर यह ग्राम कांसमुंडा से होकर दक्षिण की ओर जाती है और बिन्दु "ङ." पर ग्राम कांसमुंडा और जयपुर की सम्मिलित सीमा को छूती है । यहां से यह ग्राम अवैत प्रसाद और जमानिया से होनी हुई दक्षिण की ओर बिन्दु "च" तक जाती है जो ग्राम जमानिया, गुन्दुरीनाली और जगडा का त्रिसीमा बिन्दु है । यहां से रेखा दक्षिण की ओर ग्राम गुन्दुरीनाली की पूर्वी सीमा के साथ-साथ बिन्दु "छ" तक जाती है ।
- छ-ज रेखा बिन्दु "छ" से ग्राम गुन्दुरीनाली, गैलन्दा, मग्धापुर, मग्धापुर आश्रित वन और बाडागुन्दरी से होती हुई पश्चिम की ओर जाती है और बिन्दु "ज" पर इस ग्राम की पश्चिमी सीमा पर मिलती है ।
- ज-क रेखा बिन्दु "ज" से ग्राम बाडागुन्दरी और लुहामारा की पश्चिमी सीमा के साथ-साथ उत्तर की तरफ बन्कोली नाला तक जाती है । यह रुत बन्कोली नाला की पूर्वी सीमा भी है । तब यह ग्राम लुहामारा के उत्तर में बन्कोली नाले को पार करती है और ग्राम कोइलानपुर और बालीपाटा की पश्चिमी सीमा के साथ-साथ उत्तर की ओर जाती है और आरंभिक बिन्दु "क" पर मिलती है ।

[सं. 43015/5/2000-पी आर आई डब्ल्यू]

संजय बहादुर, उप सचिव

Ministry of Coal

New Delhi, the 10th January, 2001

S. O. 87.— Whereas it appears to the Central Government that coal is likely to be obtained from the lands in the locality mentioned in the schedule hereto annexed,

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Govt. hereby gives notice of its intention to prospect for coal therein,

The plan bearing No.MCL/SAMB/CGM(CP&P)/Kaniha-II(Neelachal)/00/ 17 dated 26.04.2000 of the area covered by this notification can be inspected at the office of the Chief General Manager (CP&P), Mahanadi Coalfields Limited, Jagriti Vihar, Burla,

Sambalpur - 768018 (Orissa) or at the office of the Collector and District Magistrate, Angul, Orissa or at the office of the Coal Controller, 1, Council House Street, Calcutta

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the officer-in-charge/Head of the Department (Revenue/Estate), Mahanadi Coalfields Limited, Jagriti Vihar, Burla, Sambalpur - 768018 (Orissa) within 90 days from the date of the publication of this notification in the official Gazette.

SCHEDULE
KANIHA-II (NEELACHAL) BLOCK
TALCHER COALFIELD
DISTRICT ANGUL (ORISSA)

ALL RIGHTS

(Plan bearing NO.MCL/SAMB/CGM(CP&P)/Kaniha-II(Neelachal)/00/17 dated 26.04 2000)

SL No.	Village	Police Station & No	Tahsil / Sub Div.	District/ State	Area in Acres	Remarks
1	Balipata	Kaniha/71	Talcher	Angul/Orissa	256.32	Full
2	Badahira	Kaniha/70	-do-	-do-	458.34	Full
3	Kalyanpur	Kaniha/77	-do-	-do-	192.02	Full
4	Luhamara	Kaniha/80	-do-	-do-	146.56	Full
5	Debhuin	Kaniha/79	-do-	-do-	189.61	Full
6	Badagunduri	Kaniha/68	-do-	-do-	2260.00	Part
7	Joradanga	Kaniha/78	-do-	-do-	73.28	Full
8	Bhuinpur	Kaniha/69	-do-	-do-	318.55	Full
9	Masunihata	Kaniha/41	-do-	-do-	410.00	Part
10	Gourachandrapur	Kaniha/62	-do-	-do-	57.78	Full
11	Balrampur	Kaniha/61	-do-	-do-	209.39	Full
12	Kaniha	Kaniha/60	-do-	-do-	360.00	Part
13	Kansamunda	Kaniha/63	-do-	-do-	883.48	Part
14	Jaypur	Kaniha/64	-do-	-do-	198.46	Part
15	Adaitprasad	Kaniha/65	-do-	-do-	103.40	Part
16	Malapasi	Kaniha/67	-do-	-do-	112.12	Full
17	Jamania	Kaniha/66	-do-	-do-	87.99	Part
18	Gundurinali	Kaniha/88	-do-	-do-	322.00	Part
19	Gailanda	Kaniha/87	-do-	-do-	128.00	Part
20	Saradhapur	Kaniha/85	-do-	-do-	35.00	Part
21	Saradhapur Reserve Forest	Kaniha/	-do-	-do-	250.00	Part
22	Gohiradanda Reserve Forest	Kaniha/	-do-	-do-	45.00	Full
23	Pitalragadih Reserve Forest	Kaniha/	-do-	-do-	50.00	Full
Total					7146.30 (Approx.) or 2892.068 Ha (Approx.)	

A-B- The line starts from point 'A' which is the trijunction point of villages Kapudia, Balipata and Bhana Reserve Forest. From here it proceeds towards east along the northern boundary of villages Balipata and Badahira. Then after crossing Bankhol Nala through village Masunihata and along the northern boundary of village Balarampur and Kaniha upto point 'B'.

C-D-E-F-G After point 'C' the line proceeds towards north-west along the northern boundary of village Kaniha upto point 'C'. From here it moves towards south along the eastern boundary of village Kaniha and then after crossing the road through village Kaniha towards west and touches the common boundary of village Kaniha and Kansamunda at point 'D'. Then it moves towards south through village Kansamunda and touches the common boundary of villages Kansamunda and Jaipur at point 'E'. From here it moves towards south through village Adaitprasad and Jamania upto point 'F', which is the trijunction point of villages Jamania, Gundurinali and Jarada. From here the line moves towards south along the eastern boundary of village Gundurinali upto point

G-H From point 'G' the line moves towards west through village Gundurinali, Gailanda Saradhapur, Saradhapur Reserve Forest and Badagunduri to meet western boundary of this village at point 'H'.

H-A From point 'H' the line proceeds towards north along the western boundary of villages Badagunduri and Luhamara upto Bankoi nala. This route is also the eastern boundary of Bankoi nala. Then it crosses the Bankoi nala in the north of village Luhamara and proceeds towards north along the western boundary of villages Koilanpur and Balipata and meets at the starting point 'A'.

[No. 43015/5/2000 PRIW]
SANJAY BAHADUR, Dy. Secy.

नई दिल्ली, 12 जनवरी, 2001

का. आ. 88.— केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपायद्व अनुसूची में उल्लिखित परिक्षेत्र की भूमि में कोयला अभिप्राप्त किए जाने की संभावना है,

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (1) द्वारा प्रयत्न शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है ,

इस अधिसूचना के अन्तर्गत आने वाले रेखांक सं० एमसीएल/एसएएमबी/सीजीएम(सी पी एण्ड पी) कोनार्क/00/16 तारीख 26 अप्रैल, 2000 का निरीक्षण मुख्य महाप्रबंधक (कोयला परियोजना और योजना) महानदी कोलफील्ड्स लि० जागृति विहार, बुर्ला, संबलपुर- 768 018 (उड़ीसा) के कार्यालय में या कलकत्ता और जिला मजिस्ट्रेट अंगुल, उड़ीसा के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाऊस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है ।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में, हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उप धारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर भारसाधक अधिकारी/ विभागाध्यक्ष (राजस्व/सम्पदा), महानदी कोलफील्ड्स लि०, जागृति विहार, बुर्ला, संबलपुर-768 018 (उड़ीसा) को देंगे ।

अनुसूची
कोनार्क ब्लॉक
तलचर कोलफील्ड्स
जिला- अंगुल (उड़ीसा)

सभी अधिकार

(रेखांक सं० एमसीएल/एसएएमबी/सीजीएम(सी पी एण्ड पी) कोनार्क/00/16 तारीख 26 अप्रैल, 2000)

क्र.सं.	ग्राम	पुलिस थाना और सं.	तहसील/उप प्रभाग	जिला/ राज्य	क्षेत्र (एकड़ में)	टिप्पणियां
1.	बाधावासपुर	कोलियरी/ 11	तलचर	अंगुल/उड़ीसा	297.53	संपूर्ण
2.	सोल्डा	कोलियरी/ 12	तलचर	अंगुल/उड़ीसा	2160.06	संपूर्ण
3.	बोनावासपुर	कोलियरी/ 10	तलचर	अंगुल/उड़ीसा	549.23	संपूर्ण
4.	तलीपुरा	कोलियरी/ 13	तलचर	अंगुल/उड़ीसा	388.90	संपूर्ण
5.	गोपाल प्रसाद खामर	कोलियरी/ 9	तलचर	अंगुल/उड़ीसा	132.05	भाग
6.	खुरिंगा	कोलियरी/ 14	तलचर	अंगुल/उड़ीसा	162.04	भाग
7.	सत्याबादीपुर	कोलियरी/ 20	तलचर	अंगुल/उड़ीसा	73.98	संपूर्ण
8.	तिन्नीपासी	कोलियरी/ 21	तलचर	अंगुल/उड़ीसा	239.76	संपूर्ण
9.	भारंगा	कोलियरी/ 67	तलचर	अंगुल/उड़ीसा	248.13	संपूर्ण
10.	किशोरचन्द्रापुर	कोलियरी/ 68	तलचर	अंगुल/उड़ीसा	184.14	संपूर्ण
11.	जोरागडा	कोलियरी/ 69	तलचर	अंगुल/उड़ीसा	90.00	भाग
12.	खजुरिया	कोलियरी/ 66	तलचर	अंगुल/उड़ीसा	202.49	संपूर्ण
13.	नीलाद्रीपुर	कोलियरी/ 22	तलचर	अंगुल/उड़ीसा	34.63	संपूर्ण
14.	प्रसनानगर	कोलियरी/ 19	तलचर	अंगुल/उड़ीसा	196.66	भाग
15.	गोपालप्रसाद आरक्षित वन	कोलियरी/	तलचर	अंगुल/उड़ीसा	170.00	भाग
					कुल	5029.60 (लगभग)
					या	2035.45 हैक्टेयर (लगभग)

सीमा वर्णन

- क-ख-ग** रेखा सिंगदा नदी के पूर्वी किनारे पर ग्राम बाधावासपुर की उत्तरी सीमा पर बिन्दु "क" से आरंभ होती है । यह ग्राम बाधावासपुर, सोन्दा, खजूरिया, सारंगी और किशोर चन्द्रापुर की उत्तरी सीमा के साथ-साथ पूर्व की ओर बिन्दु "ख" तक जाती है । वहां से यह ग्राम जारागाडिया से होकर पूर्व की ओर बिन्दु "ग" तक जाती है ।
- ग-घ-ङ.** बिन्दु "ग" से यह ग्राम जारागाडिया से होकर दक्षिण की ओर जाती है और ग्राम किशोर चन्द्रापुर की पूर्वी सीमा को बिन्दु "घ" पर छूती है । बिन्दु "घ" से यह किशोरचन्द्रापुर की पूर्वी सीमा के साथ-साथ दक्षिण की ओर बिन्दु "ङ." तक जाती है ।
- ङ.-च-छ-ज-झ** रेखा बिन्दु "ङ." से ग्राम किशोर चन्द्रापुर और सारंगी की दक्षिणी सीमा के साथ-साथ पश्चिम की ओर बिन्दु "च" तक जाती है । तब यह ग्राम प्रसनानगर की पूर्वी सीमा के साथ-साथ दक्षिण की ओर बिन्दु "छ" तक जाती है । तब यह ग्राम प्रसनानगर, सोन्दा और बीरावरपुर से होती हुई पश्चिम की ओर बिन्दु "ज" तक बढ़ती है । तब यह ग्राम खुरिंगा की पूर्वी और दक्षिणी सीमा के साथ-साथ दक्षिण और पश्चिम की ओर जाती है । तब यह गोपाल प्रसाद आरक्षित वन से होकर उत्तर पश्चिम की ओर और ग्राम गोपाल प्रसाद खमर की पश्चिमी सीमा के साथ-साथ सिंगदा नदी के पूर्वी किनारे पर बिन्दु "झ" तक आगे जाती है ।
- झ-क** रेखा ग्राम गोपाल प्रसाद खमर, बानावासपुर और रघवासपुर जो सिंगदा नदी के पूर्वी किनारे पर है की पश्चिमी सीमा के साथ-साथ उत्तर की ओर जाती है और आरंभिक बिन्दु "क" पर मिलती है ।

[सं. 43015/9/2000-पी आर आई डब्ल्यू]

संजय बहादुर, उप सचिव

New Delhi, the 12th January, 2001

S. O. 88.— Whereas it appears to the Central Government that coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No.MCL/SAMB/CGM(CP&P)/Konark/00/16 dated the 26th April 2000 of the area covered by this notification can be inspected at the office of the Chief General Manager (CP&P), Mahanadi Coalfields Limited, Jagriti Vihar, Burla,

Sambalpur - 768018 (Orissa) or at the office of the Collector and District Magistrate, Angul, Orissa or at the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the officer-in-charge and Head of the Department (Revenue/Estate), Mahanadi Coalfields Limited, Jagriti Vihar, Burla, Sambalpur - 768018 (Orissa) within ninety days from the date of the publication of this notification in the Official Gazette.

Schedule
KONARK BLOCK
TALCHER COALFIELD
DISTRICT ANGUL (ORISSA)

All rights

(Plan bearing NO.MCL/SAMB/CGM(CP&P)/Konark /00/16 dated the 26th April 2000)

SL. No.	Village	Police Station and No	Tahsil / Sub Division	District/ State	Area in Acres	Remarks
1	Baghabasapur	Colliery/11	Talcher	Angul / Orissa	297.53	Full
2	Solda	Colliery/12	Talcher	Angul / Orissa	2160.06	Part
3	Banabaspur	Colliery/10	Talcher	Angul / Orissa	549.23	Full
4	Telipura	Colliery/13	Talcher	Angul / Orissa	368.90	Full
5	Gopalprasadkhamar	Colliery/9	Talcher	Angul / Orissa	132.05	Full
6.	Khuringa	Colliery/14	Talcher	Angul / Orissa	162.04	Part
7	Satyabadipur	Colliery/20	Talcher	Angul / Orissa	73.98	Full
8	Tileipasi	Colliery/21	Talcher	Angul / Orissa	239.76	Full
9	Saranga	Talcher/67	Talcher	Angul / Orissa	248.13	Full
10.	Kishorechandrapur	Talcher/68	Talcher	Angul / Orissa	104.14	Full
11.	Joragadia	Talcher/69	Talcher	Angul / Orissa	90.00	Part
12.	Khajuria	Talcher/66	Talcher	Angul / Orissa	202.49	Full
13.	Niladripur	Colliery/22	Talcher	Angul / Orissa	34.63	Full
14.	Prasananagar	Colliery/19	Talcher	Angul / Orissa	196.66	Part
15.	Gopalprasad Reserve Forest	Colliery/	Talcher	Angul / Orissa	170.00	Part
Total					5029.60 (Approximately) or 2035.451 Hactare (Approximately)	

Boundary Description

A-B-C - The line starts from point 'A', on the northern boundary line of village Baghabaspur on the eastern bank of Singda river. It proceeds towards east along the northern boundary of village Baghabaspur, Solda, Khajuria, Saranga and Kishorechandrapur upto point 'B'. From here it moves towards east through village Jaragadia upto point 'C'.

C-D-E From point 'C' it moves towards south through village Joragadia and touches the eastern boundary line of village Kishorechandrapur at point 'D'. From point 'D' it moves towards south along the eastern boundary of village Kishorechandrapur upto point 'E'.

E-F-G-H-I From point 'E' the line moves towards west along the southern boundary of villages Kishorechandrapur and Saranga upto point 'F'. Then It proceeds towards south along the eastern boundary of village Prasananagar upto point 'G'. Then it moves towards west through villages Prasananagar, Solda and Birabarpur upto point 'H'. Then it moves towards south and west along the eastern and southern boundary of village Khuringa. Then it proceeds towards north-west through Gopalprasad Reserve Forest and along the western boundary of village Gopalprasad Khamar upto the eastern bank of Singda river at point 'I'.

I-A The line proceeds towards north along the western boundary of village Gopalprasad Khamar, Banabaspur and Raghabaspur which is the eastern bank of Singda river and meets at starting point 'A'.

No. 43015/9/2000 PRIW/
SANJAY BAHADUR, Dy. Secy

नई दिल्ली, 12 जनवरी, 2001

का. आ. 89.— केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपायद्व अनुसूची में उल्लिखित परिक्षेत्र में की भूमि से कोयला अभिप्राप्त किए जाने की संभावना है,

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है,

इस अधिसूचना के अन्तर्गत आने वाले रेखांक सं० एमसीएल/एमएएमवी/सीजीएम(सी पी एण्ड पी)/पद्मा /00/14 तारीख 26 अप्रैल, 2000 का निरीक्षण मुख्य मन्त्राप्रबंधक (कोयला परियोजना और योजना) महानदी कोलफील्ड्स लि०, जागृति विहार, बुर्ला, संबलपुर- 768 018 (उड़ीसा) के कार्यालय में या कलकत्ता और जिला मजिस्ट्रेट, अन्गुल, उड़ीसा के कार्यालय में या कोयला निरीक्षक, 1, काउन्सिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है ।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में, हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उप धारा (7) में निर्दिष्ट सभी नक्शों, छाटों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्वे दिन के भीतर भारताध्यक्ष अधिकारी/ विभागाध्यक्ष (राजस्व/सम्पदा), महानदी कोलफील्ड्स लि०, जागृति विहार, बुर्ला, संबलपुर-768 018 (उड़ीसा) को देंगे ।

अनुसूची

पद्मा ब्लाक

तलचेर कोलफील्ड्स

जिला अंगुल § उड़ीसा §

सभी अधिकार

§ रेखांक सं. एमसीएल/एसएएमबी/सीजीएम/सीपीपंड पी/पद्मा/00/14, तारीख 26 अप्रैल, 2000

क्रम सं	ग्राम	पुलिस थाना और संख्या	तहसील/ उपखंड	जिला/ राज्य	एकड़ में क्षेत्र	टिप्पणियां
1.	जोरागाडिया	तलचेर/69	तलचेर	अंगुल/उड़ीसा	28.00	भाग
2.	फुरीहन	तलचेर/80	तलचेर	-वही-	48.00	भाग
3.	नाकेपासी	कोलियरी/23	तलचेर	-वही-	57.00	भाग
4.	पद्माबातीपुर	तलचेर/80	तलचेर	-वही-	118.00	भाग
5.	राक्स	तलचेर/81	तलचेर	-वही-	309.00	भाग
6.	बुंवाबनपुर	तलचेर/83	तलचेर	-वही-	105.65	सम्पूर्ण

कुल

665.65

§ लगभग §

या

369.38 हेक्टेयर (लगभग)

सीमा वर्णन

- क-ख-ग रेखा ग्राम नाकेपासी में बिन्दु "क" से आरंभ होती है तब उसी ग्राम में उत्तर की ओर जाती है और ग्राम जोरागाडिया और नाकेपासी की सम्मिलित सीमा पर बिन्दु "ख" जो ग्राम नाकेपासी, सांगा और जोरा गाडिया का त्रिषीमा बिन्दु है, मिलती है। तब यह ग्राम जोरागाडिया में उत्तर की ओर बढ़ती हुई बिन्दु "ग" पर पहुंचती है।
- ग-घ-ङ-च रेखा ग्राम जोरागाडिया और कुरीहन से होकर बंगारु नाला के दक्षिणी किनारे के साथ-साथ पूर्व की ओर बढ़ती हुई बिन्दु "ङ" तक जाती है। फिर वह ग्राम राकस की उत्तरी सीमा के साथ साथ पूर्व की ओर बढ़ती हुई बिन्दु "च" तक जाती है।
- घ-छ-ज-झ रेखा ग्राम बुंदाबनपुर की उत्तरी सीमा के साथ-साथ चलती हुई पूर्व की तरफ बिन्दु "छ" तक जाती है। रेखा तब ग्राम बुंदाबनपुर की पूर्वी सीमा के साथ-साथ बिन्दु "ज" तक जाती है और उसके पश्चात् ग्राम राकस की पूर्वी सीमा के साथ-साथ बढ़ती हुई बिन्दु "झ" तक जाती है।
- झ-ञ-ट-क रेखा ग्राम राकस से होकर पश्चिम की तरफ बढ़ती है और बाद में ग्राम राकस और पद्मावतीपुर की सम्मिलित सीमा को बिन्दु "ञ" पर पार करती हुई ग्राम पद्मावतीपुर से होकर पश्चिम की ओर बढ़ती है और ग्राम पद्मावतीपुर और नाकेपासी की सम्मिलित सीमा को बिन्दु "ट" पर पार कर ग्राम नाकेपासी में आरंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/11/2000-पी आर आई डब्ल्यू]
संजय बहादुर, उप सचिव

New Delhi, the 12th January, 2001

S. O. 89.— Whereas it appears to the Central Government that coal is likely to be obtained from the lands in the locality mentioned in the schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan bearing No.MCL/SAMB/CGM(CP&P)/Padma/00/14 dated 26.04.2000 of the area covered by this notification can be inspected at the office of the Chief General Manager (CP&P), Mahanadi Coalfields Limited, Jagriti Vihar, Burla, Sambalpur - 768018 (Orissa) or at the office of the Collector and District Magistrate, Angul, Orissa or at the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the officer-in-charge/Head of the Department (Revenue/Estate), Mahanadi Coalfields Limited, Jagriti Vihar, Burla, Sambalpur - 768018 (Orissa) within ninety days from the date of the publication of this notification in the official Gazette.

Schedule
Padma Block
Talcher Coalfield
District Angul (Orissa)

All rights

(Plan bearing NO.MCL/SAMB/CGM(CP&P)/Padma/00/14 dated 26.04.2000)

SL. No.	Village	Police Station & No	Tahsil / Sub Div.	District/ State	Area in Acres.	Remarks
1	Joragadia	Talcher - 69	Talcher	Angul/ Orissa	28.00	Part
2	Kurihan	Talcher - 80	Talcher	Angul/ Orissa	48.00	Part
3	Nakeipasi	Colliery - 23	Talcher	Angul/ Orissa	57.00	Part
4	Padmabatipur	Colliery - 30	Talcher	Angul/ Orissa	118.00	Part
5	Rakas	Talcher - 81	Talcher	Angul/ Orissa	309.00	Part
6	Brundabanpur	Talcher - 83	Talcher	Angul/ Orissa	105.65	Full
Total					665.65 (Approximately) or 269.38 Hactares (Approximately)	

Boundary Description

A-B-C- The line starts from point 'A' in Village-Nakeipasi and then proceeds towards north in the same village and meets the common boundary of village Joragadia and Nakeipasi at point 'B' which is the trijunction point of villages Nakeipasi, Saranga and Joragadia. Then moving towards north in village Joragadia it reaches point 'C'.

C-D-E- F The line proceeds towards east along the southern bank of Bangaru Nala via village Joragadia and Kurihan upto point 'E'. Then the line proceeds towards east along the northern boundary of village Rakas upto point 'F'.

F-G-H-I The line moves towards east along the northern boundary of village Brundabanpur upto point 'G'. Then it proceeds along the eastern boundary of village Brundabanpur upto point 'H' and thereafter moves along the eastern boundary of village Rakas upto point 'I'.

I-J-K-A The line proceeds towards west through village Rakas and after crossing the common boundary of villages Rakas and Padmabatipur at point 'J' it continues to move towards west through village Padmabatipur and crossing the common boundary of villages Padmabatipur and Nakeipasi at point 'K', meets at starting point 'A' in village Nakeipasi.

No. 43015/11/2000 PRIW]
SANJAY BAHADUR, Dy. Secy.

नई दिल्ली, 15 जनवरी, 2001

का. आ. 90.— केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाय अनुसूची में उल्लिखित परिक्षेत्र में की भूमि से कोयला अभिप्राप्त किए जाने की संभावना है,

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 4 की उपधागा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है,

इस अधिसूचना के अन्तर्गत आने वाले रेखांक सं० एमसीएल/एसएएमबी/सीजीएम(सी पी एण्ड पी)/गोपाल प्रसाद (पश्चिम)/00/13 तारीख 26 अप्रैल, 2000 का निरीक्षण मुख्य महाप्रबंधक (कोयला परियोजना और योजना) महानदी कोलफील्ड्स लि०, जागृति विहार, बुर्ला, संबलपुर- 768 018 (उड़ीसा) के कार्यालय में या कलक्टर और जिला मजिस्ट्रेट अन्गुल, उड़ीसा के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाऊस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में, हितवद्ग सभी व्यक्ति उक्त अधिनियम की धारा 13 की उप धारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर भागसाधक अधिकारी/ विभागाध्यक्ष (राजस्व/सम्पदा), महानदी कोलफील्ड्स लि०, जागृति विहार, बुर्ला, संबलपुर-768 018 (उड़ीसा) को देंगे।

अनुसूची
गोपाल प्रसाद पश्चिमी ब्लॉक
तलचर कोलफील्ड्स
जिला- अंगुल (उड़ीसा)

सभी अधिकार

(रेखांक सं० एससीएल/एसएसएमवी/सीजीएम(सी पी एण्ड पी) जीपीडी वेस्ट/००/१३ तारीख २६ अप्रैल, २०००)

क्र.सं.	ग्राम	पुलिस थाना और नं.	तहसील/उप खंड	जिला/ राज्य	क्षेत्र (एकड़ में)	टिप्पणियां
1.	बालीधनपुर	हेन्डीपाडा- 67	हेन्डीपाडा	अंगुल/उड़ीसा	428.74	संपूर्ण
2.	पीराखमन	हेन्डीपाडा- 66	हेन्डीपाडा	अंगुल/उड़ीसा	246.16	संपूर्ण
3.	छोटवेरिनी	हेन्डीपाडा- 64	हेन्डीपाडा	अंगुल/उड़ीसा	493.87	संपूर्ण
4.	कन्कारी	हेन्डीपाडा- 65	हेन्डीपाडा	अंगुल/उड़ीसा	1153.05	संपूर्ण
5.	भालुगाडिया	कोलियरी- 01	तलचर	अंगुल/उड़ीसा	667.89	संपूर्ण
6.	कुमुंडा	कोलियरी- 119	तलचर	अंगुल/उड़ीसा	180.00	भाग
7.	बधुआ बोल	कोलियरी- 02	तलचर	अंगुल/उड़ीसा	179.35	संपूर्ण
8.	जारापाडा आरक्षित वन	अंगुल- 17	अंगुल	अंगुल/उड़ीसा	305.00	भाग
9.	जेपुर आरक्षित वन	हेन्डीपाडा	अंगुल	अंगुल/उड़ीसा	36.00	भाग
10.	कौम्सीडीपा	हेन्डीपाडा- 63	हेन्डीपाडा	अंगुल/उड़ीसा	574.89	संपूर्ण
कुल					4264.95 (लगभग)	
या					1726.00 हेक्टेयर (लगभग)	

सीमा वर्णन

क-ख-ग

रेखा सिंगिडा नदी के उत्तरी किनारे पर ग्राम कुमुंडा में बिन्दु "क" से आरंभ होती है फिर सिंगिडा नदी को पार करने के बाद दक्षिण की तरफ जाती है और उक्त नदी की शाखा की पश्चिमी सीमा के साथ-साथ बिन्दु "ख" तक जाती है जहां यह ग्राम भालुगाडिया में नदी के शाखा को पार करती है । तब यह भालुगाडिया की पूर्वी सीमा के साथ-साथ दक्षिण की ओर जाती है और नुआमुडिन और जारापाडा आरक्षित वनों की सम्मिलित सीमा के साथ-साथ बिन्दु "ग" तक जाती है ।

- ग-घ-ङ. रेखा जारापाडा आरक्षित वन से होती हुई पश्चिम की ओर बिन्दु "घ" तक जाती है । फिर यह ग्राम बालाचन्द्रापुर की दक्षिणी सीमा के साथ-साथ बिन्दु "ङ." तक जाती है जो ग्राम बालाचन्द्रापुर, कन्कारी और दुर्गापुर आरक्षित वन का त्रिसीमा बिन्दु है ।
- ड.-च-छ. रेखा ग्राम कन्कारी और कोन्सीदीपा की पश्चिमी सीमा और ग्राम छोटदेरिनी की उत्तरी सीमा के साथ-साथ सिंगिडा नदी के पश्चिमी किनारे पर बिन्दु "छ" तक उत्तर की ओर जाती है ।
- छ-ज-क. रेखा सिंगिडा नदी के पश्चिमी किनारे के साथ-साथ बिन्दु "ज" तक दक्षिण की ओर आगे जाती है और फिर सिंगिडा नदी को पार कर पूर्व की ओर जाती है और जयपुर आरक्षित वन और ग्राम कुमुंडा से होती हुई आरंभिक बिन्दु "क" पर मिलती है ।

[सं. 43015/10/2000-पी आर आई डब्ल्यू]

संजय बहादुर, उप सचिव

New Delhi, the 15th January, 2001

S. O. 90.— Whereas it appears to the Central Government that coal is likely to be obtained from the lands in the locality mentioned in the schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Govt. hereby gives notice of its intention to prospect for coal therein.

The plan bearing No.MCL/SAMB/CGM(CP&P)/GOPALPRASAD(West)/00/13 dated 26th April, 2000 of the area covered by this notification can be inspected at the office of the Chief General Manager (CP&P), Mahanadi Coalfields Limited, Jagriti Vihar, Burla, Sambalpur - 768018 (Orissa) or at the office of the Collector and District Magistrate, Angul, Orissa or at the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the officer-in-charge/Head of the Department (Revenue/Estate), Mahanadi Coalfields Limited, Jagriti Vihar, Burla, Sambalpur - 768018 (Orissa) within 90 days from the date of the publication of this notification in the official Gazette.

Schedule
Gopalprasad West Block
Talcher Calfield
District Angul (Orissa)

All rights

(Plan bearing NO.MCL/SAMB/CGM(CP&P)/Gpd.West/00/13 dated 26.04.2000)

SL. No.	Village	Police Station and No	Tahsil / Sub Division	District/State	Area in Acres	Remarks
1	Balichandrapur	Chhendipada-67	Chhendipada	Angul/ Orissa	428.74	Full
2	Pirakhaman	Chhendipada-66	Chhendipada	Angul/ Orissa	246.16	Full
3	Chhotberini	Chhendipada-64	Chhendipada	Angul/ Orissa	493.87	Full
4	Kankarei	Chhendipada-65	Chhendipada	Angul/ Orissa	1153.05	Full
5	Bhalugadia	Colliery-01	Talcher	Angul/ Orissa	667.89	Full
6	Kumunda	Colliery-119	Talcher	Angul/ Orissa	180.00	Part
7	Baghua-Bola	Colliery-02	Talcher	Angul/ Orissa	179.35	Full
8	Jarapada Reserve Forest	Angul - 17	Angul	Angul/ Orissa	305.00	Part
9	Jaypur Reserve Forest	Chhendipada	Angul	Angul/ Orissa	36.00	Part
10	Kaunsidhipa	Chhendipada-63	Chhendipada	Angul/ Orissa	574.89	Full
Total					4264.95 (Approximately) or 1726.00 Hactares (Approximately)	

Boundary Description

A-B-C- The line starts from point 'A' in Village-Kumunda at the northern bank of Singida River, then proceeds towards south after crossing the singida River and along the western boundary of the branch of the said river upto point 'B' where it crosses the branch river in village Bhalugadia. Then it proceeds towards south along the eastern boundary of village-Bhalugadia and along the common boundary of Nuamuhin and Jarapada Reserve Forests upto point 'C'.

C-D-E- The line proceeds towards west through Jarapada Reserve Forest upto point 'D'. Then it proceeds along the southern boundary of village Balichandrapur upto point 'E', which is the trijunction point of villages Balichandrapur Kankarei and Durgapur Reserve Forest.

E-F-G The line proceeds towards north along the western boundary of villages Kankarei and Kaunsidhipa and western and northern boundary of village Chhotberini upto point 'G' at the western bank of Singida river.

G-H-A The line proceeds towards south along the western bank of Singida river upto point 'H' and then proceeds towards east by crossing Singida river and through Jaypur Reserve Forest and village Kumunda and meets at starting point 'A'.

No. 43015/10/2000 PRIW]
 SANJAY BAHADUR, Dy. Secy.

का. आ. 91.— केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाययत अनुसूची में उल्लिखित परिक्षेत्र की भूमि में कोयला अभिप्राप्त किए जाने की संभावना है,

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है,

इस अधिसूचना के अन्तर्गत आने वाले रेखांक सं० एमसीएल/एसएएमवी/सीजीएम(सीपी एण्ड पी) बुलुंगा/00/20 तारीख 28 अप्रैल, 2000 का निरीक्षण मुख्य महाप्रबंधक (सीपी एण्ड पी), महानदी कोलफील्ड्स लि० जागृति विहार, बुरला सम्बलपुर- 768018 (उड़ीसा) के कार्यालय में या कलकत्ता और जिला मजिस्ट्रेट सुन्दरगढ़, उड़ीसा कार्यालय में या कोयला नियंत्रक, 1, काउन्सिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में, हितवत्त सभी व्यक्ति उक्त अधिनियम की धारा 13 की उप धारा (7) में निर्दिष्ट सभी नक्शों, छाटों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर उस प्रभारी अधिकारी और विभागाध्यक्ष (राजस्व/सम्पदा), महानदी कोलफील्ड्स लि०, जागृति विहार, बुरला, संबलपुर-768018 (उड़ीसा) को भेजेंगे।

अनुसूची

बुलुंगा ब्लॉक

आई वी घाटी विस्तार, कोलफील्ड

जिला- सुन्दरगढ़ (उड़ीसा)

सभी अधिकार

(रेखांक सं०: एमसीएल/एसएएमवी/सीजीएम(सीपी एण्ड पी) बुलुंगा/00/20 तारीख 28 अप्रैल, 2000)

क्र.सं.	ग्राम	पुलिस थाना और सं.	तहसील/ उपखंड	जिला/ राज्य	क्षेत्र (एकड़ में)	टिप्पणियां
1.	बुलुंगा	हेमगिर/105	हेमगिर	सुन्दर गढ़/उड़ीसा	869.71	संपूर्ण
2.	बेलाडीही	हेमगिर/111	हेमगिर	सुन्दर गढ़/उड़ीसा	1034.27	संपूर्ण
3.	खुमिजहागिया	हेमगिर/113	हेमगिर	सुन्दर गढ़/उड़ीसा	392.48	संपूर्ण
4.	मजहापास	हेमगिर/112	हेमगिर	सुन्दर गढ़/उड़ीसा	467.42	संपूर्ण
5.	एन्नाजहागारा	हेमगिर/100	हेमगिर	सुन्दर गढ़/उड़ीसा	525.00	संपूर्ण
6.	सतपणनिया	हेमगिर	हेमगिर	सुन्दर गढ़/उड़ीसा	282.00	संपूर्ण
	आरक्षित वन					
7.	गिरिपहाड़	हेमगिर	हेमगिर	सुन्दर गढ़/उड़ीसा	971.00	संपूर्ण
	आरक्षित वन					
8.	आरक्षित वन	हेमगिर	हेमगिर	सुन्दर गढ़/उड़ीसा	35.00	संपूर्ण
कुल :					4576.88 लगभग	
					या	
					1852.238 लगभग हेक्टर	

सीमा वर्णन

- क-ख-ग रेखा बिन्दु "क" जो डुलुंगा, शारावन्ता और कालामेधा का त्रिभीमा बिन्दु है से आरंभ होती है । यह डुलुंगा और कालामेधा, सनपनिया आर.एफ. और कालोधा, सनपनिया आर.एफ. और खापुर्किचारा, मज्जापारा और खापुर्किचारा, खुतिझुरा और खापुर्किचारा, गिरिपहाड़ आरक्षित वन और खापुर्किचारा और गिरिपहाड़ आरक्षित वन और कालामेधा की सम्मिलित सीमा के साथ-साथ दक्षिण की ओर तक बिन्दु "ख" तक आगे बढ़ती है । फिर रेखा गिरिपहाड़ आर.एफ. और ग्रामा एनलाइगरना की पूर्वी सीमा के साथ-साथ बिन्दु "ग" तक, जो एनलाइगरना ग्राम के दक्षिण पूर्वी कोने पर है, दक्षिण की ओर आगे बढ़ती है ।
- ग-घ-ङ-च रेखा बिन्दु "ग" के पश्चात् एनलाइगरना ग्राम और गिरिपहाड़ आरक्षित वन की दक्षिण सीमा के साथ-साथ पश्चिमी की ओर बिन्दु "घ" तक, जो कुर्ना, गिरिपहाड़ आरक्षित वन और तनगाडिही ग्रामों का त्रिभीमा बिन्दु है, आगे बढ़ती है । रेखा तब गिरिपहाड़ आर.एफ. और वेल्माडिही ग्राम की पश्चिमी सीमा के साथ-साथ उत्तर पश्चिमी की ओर बिन्दु "ङ" तक आगे बढ़ती है । रेखा तब वेल्माडिही ग्राम की उत्तरी सीमा और डुलुंगा ग्राम की पश्चिमी सीमा के साथ-साथ बिन्दु "च" तक जो डुलुंगा, मोनांनारपुर और धुमुडामन ग्रामों का त्रिभीमा बिन्दु है उत्तरपूर्व की तरफ आगे बढ़ती है ।
- छ-ज रेखा बिन्दु "च" से डुलुंगा ग्राम की उत्तरी सीमा के साथ-साथ पूर्व की तरफ बढ़ती है और आरंभिक बिन्दु "क" पर मिलती है ।

[सं. 43015/6/2000-पी आर आई डब्ल्यू]

संजय बहादुर, उप सचिव

New Delhi, the 16th January, 2001

S. O. 91.— Whereas it appears to the Central Government that coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan No MCL/SAMB/CGM(CP&P)/Dulunga/00/20, dated the 28th April, 2000 of the area covered by this notification can be inspected at the office of the Chief General Manager (Coal Project & Planning), Mahanadi Coalfields Limited, Jagriti Vihar, Burla, Sambalpur - 768018 (Orissa) or at the office of the Collector and District Magistrate, Sundargarh, Orissa or at the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the officer-in-charge and Head of the Department (Revenue/Estate), Mahanadi Coalfields Limited, Jagriti Vihar, Burla, Sambalpur - 768018 (Orissa) within ninety days from the date of the publication of this notification in the Official Gazette

Schedule
Dulunga Block
Ib Valley Extn. Coalfield
District Sundergarh (Orissa)

All rights(Plan bearing NO.MCL/SAMB/CGM(CP&P)/Dulunga/00/20 dated the 28th April. 2000)

SL. No.	Village	Police Station and No	Tahsil/ Sub Div.	District/ State	Area in Acres	Remarks
1	Dulunga	Hemgir/105	Hemgir	Sundergarh/ Orissa	869.71	Full
2	Beladihi	Hemgir/111	Hemgir	Sundergarh/ Orissa	1034.27	Full
3	Khuntijharia	Hemgir/113	Hemgir	Sundergarh/ Orissa	392.48	Full
4	Majhapara	Hemgir/112	Hemgir	Sundergarh/ Orissa	467.42	Full
5	Ainlajharana	Hemgir/100	Hemgir	Sundergarh/ Orissa	525.00	Full
6	Saparlai Reserve Forest	Hemgir/100	Hemgir	Sundergarh/ Orissa	282.00	Full
7	Giripahar Reserve Forest	Hemgir/100	Hemgir	Sundergarh/ Orissa	971.00	Full
8	Reserve Forest	Hemgir/100	Hemgir	Sundergarh/ Orissa	35.00	Full
Total					4576.88 (Approximately) or 1852.238 Hectares (Approximately)	

Boundary Description

A-B-C:- The line starts from point 'A', which is the trijunction point of villages Dulunga, Sharabana and Kalamegha. It proceeds towards south along the common boundary of villages Dulunga and Kalamegha, Satparlia R.F. and Kalamegha, Satparlia R.F. and Khapurikachhara, Majhapara & Khapurikachhara, Khuntijhura and Khapurikachhara, Giripahar Reserve Forest & Khapurikachhara, and Giripahar Reserve forest & Kalamegha upto point 'B'. Then the line proceeds towards south along the eastern boundary of Giripahar R.F. and village Ainlajharana upto point 'C' which is the south-east corner of village Ainlajharana.

C-D-E-F After point 'C' the line proceeds towards west along the southern boundary of villages Ainlajharana & Giripahar Reserve Forest upto point 'D' which is the trijunction point of villages Kutra, Giripahar Reserve Forest and Tangardihi. The line then proceeds towards north-west along the western boundary of Giripahar R.F. and village beladihi upto point 'E'. the line then proceeds towards north-east along the northern boundary of villages Beladihi & western boundary of village Dulunga upto point 'F' which is the trijunction point of villages Dulunga, Monoharpur and Ghumudasan.

F-A From point 'F' the line moves towards east along the northern boundary of village Dulunga and meets the starting point 'A'.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 16 जनवरी, 2001

का आ 92.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ 2247 तारीख 12 अक्टूबर, 2000 द्वारा उस अधिसूचना से सलग्न अनुसूची में विनिर्दिष्ट भूमि में, गुजरात राज्य में प्राकृतिक गैस के परिवहन के लिए, जिला भरुच में घाघवेल — दागरा से गैस अधोरिटी ओफ इंडिया लिमिटेड — द्रवित पेट्रोलियम गैस सयंत्र रोजा-टकारीया- आमोद तक गैस के परिवहन के लिए इंडियन पेट्रोकेमिकल्स कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाए जाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतिया जनता को तारीख 8 नवम्बर, 2000 से उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से सलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ,

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से सलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा (6) की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह और निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए सभी विल्लगमो से मुक्त इंडियन पेट्रोकेमिकल्स कारपोरेशन लिमिटेड, दहेज, जिला भरुच में निहित होगा ।

अनुसूची

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जिल्ला : भरुच		राज्य : गुजरात			क्षेत्र
तालुका (तोहसील) का नाम	गाँव का नाम	सर्वेक्षण सं. / ऊपखंड या ब्लॉक	हेक्टर	अर	सेन्टीमीटर
(1)	(2)	(3)	(4)	(5)	(6)
वाग्रा	चंचवेल	1207/ भाग	00	10	50
		1205/ भाग	00	20	00
अमोद	रोजा-टंकरीया	928/ भाग	00	25	50
		929/ भाग	00	00	05
		931/ भाग	00	23	70
		930/ भाग	00	08	50
		933/ भाग	00	43	25
		936/ भाग	00	05	55
		कार्ट ट्रेक	00	04	00

[सं. एल.-14014/11/99-जी पी (भाग-III)]

सुनील कुमार सिंह, अवर सचिव

New Delhi, the 16th January, 2001

S. O. 92 Whereas by a notification of the Government of India Ministry of Petroleum and Natural Gas number S.O. 2247 dated 12th October, 2000 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedules annexed to that notifications for the purpose of laying pipelines for transport of Natural Gas in the State of Gujarat from Chanchvel - Vagra to GAIL - LPG Plant Roza - Tankaria - Amod, District Bharuch by the Indian Petrochemicals Corporation Limited ;

And whereas, copies of said Gazette Notification were made available to the public from 6th November, 2000 ;

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act submitted his report to the Central Government ;

And whereas, the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule annexed to this notification is hereby acquired for laying the pipelines ;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6, of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Indian Petrochemicals Corporation Limited, Dahej, District Bharuch.

SCHEDULE

DIST : BHARUCH

STATE : GUJARAT

Area

Name of Taluka	Name of Village	Survey/ Sub Division or Block No.	Hectare	Are	Centiare
(1)	(2)	(3)	(4)	(5)	(6)
Vagra	Chanchvel	1207/Part	00	10	50
		1205/Part	00	20	00
Amod	Roza-Tankaria	928/Part	00	25	50
		929/Part	00	00	05
		931/Part	00	23	70
		930/Part	00	08	50
		933/Part	00	43	25
		936/Part	00	05	55
		Cart Track	00	04	00

[No.F-14014/11/99 GP (Vol III)]

S. K. SINGH, Under Secy.

नई दिल्ली, 18 जनवरी, 2001

का.आ. 93.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तम्भ (1) में उल्लिखित व्यक्ति को, उक्त अनुसूची के स्तम्भ (2) में उल्लिखित क्षेत्र के संबंध में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है, अर्थात्:-

अनुसूची

प्राधिकारी का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)

श्री सुनील शर्मा,
राजस्थान प्रशासनिक सेवा,
इंडियन ऑयल कॉर्पोरेशन लिमिटेड,
(पाइपलाइन्स प्रभाग)
33, मुक्तानन्द नगर,
गोपालपुरा बाई पास के समीप,
जयपुर,
राजस्थान - 382150
(में प्रतिनियुक्ति पर)

राजस्थान राज्य

[सं. आर.-31015/50/2000-ओ आर-1]

एस. चन्द्रशेखर, अवर सचिव

New Delhi the 18th January, 2001

S. O. 93.— In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the person mentioned in column (1) of the Schedule given below to perform the functions of the Competent Authority under the said Act, in respect of the area mentioned in column (2) of the said Schedule:

Schedule

Name and address of the authority	Area of jurisdiction
(1)	(2)
Shri Sunil Sharma, Rajasthan Administrative Service, on deputation to the Indian Oil Corporation Limited, (Pipelines Division) 33, Muktanand Nagar, Near Gopalpura Bye Pass, Jaipur, Rajasthan - 382150	State of Rajasthan

[No.-31015/50/2000 OR 1]
S CHANDRASEKHAR, Under Secy.

नई दिल्ली, 18 जनवरी, 2001

का. आ. 94.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तम्भ (1) में उल्लिखित व्यक्ति को, उक्त अनुसूची के स्तम्भ (2) में उल्लिखित क्षेत्र की बाबत उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है, अर्थात्:-

अनुसूची	
प्राधिकारी का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
श्री जे.के. आहूजा, तहसीलदार, हरियाण राज्य, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, (पाइपलाइन्स प्रभाग) कोठी नं. 1439, सेक्टर - 15, अरबन इस्टेट, सोनीपत - 131001 (में प्रतिनियुक्ति पर)	हरियाणा राज्य

[सं. आर.-31015/57/2000-ओ आर-1]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 18th January 2001

S. O. 94.— In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the person mentioned in column (1) of the Schedule given below to perform the functions of the Competent Authority under the said Act, in respect of the area mentioned in column (2) of the said Schedule:

Schedule	
Name and address of the authority	Area of jurisdiction
(1)	(2)
Shri J.K. Ahuja, Tehsildar, State of Haryana, on deputation to the Indian Oil Corporation Limited, (Pipelines Division) Kothi No.1439, Sector-15, Urban Estate, Sonapat - 131001	State of Haryana

[No -31015/57/2000 OR I]

S. CHANDRASEKHAR, Under Secy.

श्री मंत्रालय

नई दिल्ली, 3 जनवरी, 2001

का.आ. 95—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार दक्षिणी रेलवे, मद्रास के प्रबंधन के संबंध में जहाँ और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-1-2001 को प्राप्त हुआ था।

[सं.एन-41012/222/95-आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 3rd January, 2001

S.O. 95.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Southern Railway, Madras and their workman, which was received by the Central Government on 2-1-2001.

[No. I-41012/222/95-IR(B D)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, CHENNAI

PRESENT:

Monday, the 27th day of November, 2000

Thiru S. R. Singharavelu, B.Sc. B.L., Industrial Tribunal.

Industrial Dispute No. 5 of 1997

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Chief Personnel Officer, Southern Railway, Chennai.)

BETWEEN

Shri R. Mohan,
37, 10th Street, Avedi,
Madras 600071.

AND

The Chief Personnel Officer,
Southern Railway,
Madras.

REFERENCE:

Order No. I-41012/222/95-IR-BI dated 6-11-96. Ministry of Labour, Government of India, New Delhi

This dispute coming on for final hearing on Thursday, the 16th day of November, 2000, upon perusing the reference, Claim and Counter statements and all other material papers on record and upon hearing the arguments of Tvl. R. Vaigai, Anne Mathew and M. Ramamani, advocates appearing for the workman and of Thiru P. Arulmudi, advocate appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following:

AWARD

The Government of India has referred the following issue for adjudication by this Tribunal:

"Whether the action of the Management of the Southern Railway, Madras in terminating the services of Sri R. Mohan an ex peon while he was in continuous

employment from 6-1-82 to 13-6-91 is just proper and legal? If not, to what relief is the workman entitled to?"

2. The main averments found in the Claim Statement of the petitioner are as follows: The petitioner was appointed as a Substitute Bungalow Lascar in the pay scale of Rs. 196—232 by an Order dated 6-1-1982. He was to work as a Substitute Bungalow Lascar to the Deputy Chief Mechanical Engineer. The said Deputy Chief Mechanical Engineer, Thiru C.S.S. Rajan retired from service at the end of that month on 31-1-82. The petitioner actually worked as a Peon in the Office of the Chief Mechanical Engineer from 6-1-82. The petitioner was terminated from service by an Order dated 19-9-83 w.e.f. 12-9-83. The applicant raised an Industrial Dispute which was referred to the Industrial Tribunal Madras as I.D. No. 117/87. On 16-3-89 the Industrial Tribunal passed its Award holding that the termination of the petitioner's service is illegal. The respondent-Railway filed O.A. No. 678/89 before the Central Administrative Tribunal, Madras challenging the Award of the Industrial Tribunal passed in I.D. No. 117/87. The said Original Application was dismissed on 27-11-89. Against the dismissal of the Original application the respondent filed a review application R.S. No. 17/90 which was also dismissed on 22-2-91. When O.A. 678/89 was dismissed by the Central Administrative Tribunal, Madras on 27-11-89, the Tribunal agreed with the Award of the Industrial Tribunal, that the termination was in violation of Section 25F of the I.D. Act, but made a observation that it will be open to the respondent to take appropriate steps in terms of the I.D. Act if so advised. In the meanwhile the petitioner filed O.A. No. 424/91 before the Central Administrative Tribunal, challenging the Award in I.D. No. 117/87 in so far as it denied the petitioner back wages. The said Original Application was allowed on 16-6-92 and the petitioner was paid Rs. 97,000 towards back wages in May, 1993. He was reinstated as a Bungalow Lascar w.e.f. 10th June, 1991 by an order dated 10th June, 1991. The petitioner immediately joined service on 10-6-91. Unfortunately on 13-6-91 the petitioner's services were terminated w.e.f. 13-6-91. This time the respondent paid the petitioner retrenchment compensation as per Section 25F of I.D. Act. Since the earlier termination was held to be illegal by two forums for non-compliance with the mandatory provisions of Section 25F of Industrial Disputes Act, this time the respondent complied with the payment of retrenchment compensation in order to clothe the termination with a semblance of legality. The action of the respondent in retrenchment the services of the petitioner w.e.f. 13-6-91 after purporting to comply with Section 25F of the I.D. Act is illegal and unjust. When the Order of reinstatement was passed on 10-6-91 it clearly stated that the petitioner's services are deemed to be continuous from 13-9-83 the date when he was terminated earlier. Consequently the petitioner is deemed to have been in continuous service from his initial date of appointment viz. 6-1-82. During this period between 6-1-82, and 13-6-91 even so many Bungalow Lascars had been appointed, who would all be juniors to the petitioner. Therefore the principle of 'Last come first go' should have been adhered to and the junior most Bungalow Lascar alone should have been retrenched, and not the petitioner. The petitioner prays to hold the termination of the petitioner's services by the Order dated 13-6-91 is wholly illegal and unjustified.

3. The main averments found in the Counter statement of the Respondent are as follows: Shri R. Mohan the representationist who raised the Industrial Dispute was initially appointed as Substitute Bungalow Lascar by Shri C.S.S. Rajan then Deputy Chief Mechanical Engineer on 6-1-82 for services in his residence under the scheme authorising the Administrative Grade Officers in the Railway to appoint of their choice. It is only after completion of 3 years continuous service as Substitute Bungalow Lascar either with the same officer or more than one officer, individuals thus engaged will derive the right as regularly appointed lascars/Peons. As per the terms of his appointment his service would have been terminated on the afternoon of 31-1-82. However as a result of inadvertencies, Sri R. Mohan was continued in service without proper sanction. Immediately on coming to know of the irregular continuance his services were terminated with effect from 12-9-83 A.N. As per the Award passed on 16-3-89, the Tribunal held that the Order of termination would be retrenched and allowed the annulment on the ground that the procedure laid down under

Section 25F of the Industrial Dispute Act has not been followed. Aggrieved by the above award, the Railway Administration filed O.A. 678/89 before Madras Bench of the Central Administrative Tribunal. In the Judgement dated 27-11-89 from the Central Administrative Tribunal, Madras it was held that substitute Bungalow Lascar is workman and therefore before terminating the services the conditions mentioned in Section 25F of I.D. Act had to be followed. In compliance with the judgement dated 16-9-92 from the Central Administrative Tribunal, Madras in O.A. No. 424/91 filed by him, he was later on paid back wages for the period from 12-9-83 to 9-6-91 also. His services were terminated from 13-6-91 as per the terms of his appointment after complying with the provisions of Section 25F of Industrial Dispute Act on payment of retrenchment compensation and notice period wages. The claim of the petitioner that his termination of services from 13-6-91 was against constitutional provisions was held as without merit as per the judgement dated 15-7-93 and 28-2-94 in O.A. No. 459/92 and R.A. No. 88/93. In the circumstances it is submitted that there is no merit in the Claim of the petitioner for referring the case for Arbitrations or further investigation in the matter. The petitioner prays to dismiss the above petition.

4. On behalf of petitioner/workman, Exs. W1 to W7 were marked by consent. On behalf of respondent, Exs. M1 to M4 were marked by consent. No witnesses were examined for both sides.

5. The Point for consideration is: Whether the action of the management of the Southern Railway, Madras in the services of Sri R. Mohan an ex-peon while he was in continuous employment from 6-1-82 to 13-6-91 is just proper and legal? If not, to what relief is the workman entitled to?

6. The Point: Thiru R. Mohan, the petitioner was initially appointed as Substitute Bungalow Lascar on 6-1-82 by Sri C.S.S. Rajan, the then Deputy Chief Mechanical Engineer. The scheme of the Railway respondent provides that the candidates thus appointed would be discharged if the officers who appointed him retires from service within 3 years of their appointment, and his successor officer does not require the services of the individual within 3 years. Thus it is only after 3 years continuous service, the individual will derive the right of regularisation. Anyway in para. 4 of the Reply statement of the respondent, it has been admitted that due to inadvertence the petitioner was continued in service without proper sanction, till he was terminated on 12-9-83. After knowing this irregularity, he was terminated.

7. His termination order was marked as Ex. W1, wherein the following was found:

"The services of Sri R. Mohan, Bungalow Lascar/ Rs. 196—232 is terminated w.e.f. 12-9-83 A.N."

Except these two lines no more reasons were found therein. Therefore, an Industrial dispute was raised in I.D. No. 117/1987, wherein an award was passed on 16-3-89, the copy of which was marked as Ex. M1. It was mentioned therein as follows:

"While coming to conclusion, the Supreme Court also considered section 25-F of the Industrial Disputes Act and held that the termination in that case of a workman would constitute retrenchment and for not complying with the pre-conditions for valid retrenchment the order of termination would be illegal and valid. This decision is directly applicable to the facts of this case and therefore it is binding on this tribunal. 1989-1 LLN(SC) page 278 (Krishna Kumar Lubey Vs. Uttar Pradesh State Food and Essential Commodities Corporation and another) is the latest decision wherein Supreme Court has held that when an employee continuously worked for more than 240 days, his termination of service without complying with the provisions of Section 25-F of the Industrial Disputes Act held illegal. It cannot be contended by any stretch of imagination on the basis of circulars issued under Exs. M1 and M2 that the appointment was only under certain conditions and that he can be terminated without following the procedure laid down under section 25F of the Industrial Disputes Act. Those circulars cannot take precedence over the statute, which

protects any workman who worked continuously for not less than one year under any employer shall not be retrenched without following the conditions mentioned therein.

Point 1: For these reasons, the termination of the petitioner is not legal and not justified and this point is found in favour of the petitioner.

Point 2: In view of the finding in Point No. 1 the petitioner is entitled to reinstatement and the respondent is directed to reinstate him without any back wages but with continuity of service and other attendant benefits."

8. Thus there was an award in favour of the petitioner for reinstatement with continuity of service; but it was without any backwages. Aggrieved over the same, the management preferred O.A. No. 678/89 before the Central Administrative Tribunal, and the award passed therein was marked as Ex. M2, wherein the following was held:

"The first respondent was appointed on 6-1-1982 by the Assistant Personnel Officer as a substitute Bungalow Lascar to the Deputy Chief Mechanical Engineer. The said officer retired on 31-1-1982 and the R.1 continued to work. According to the applicants, R.1 was permitted to work till 12-9-1983, when the applicants realised that R.1's services should have been terminated and terminated the services of the applicant with effect from 31-1-82, as per the terms of appointment. The Respondent No. 1 on receipt of the termination order approached the Industrial Tribunal. The Industrial Tribunal considered the question and held that the order of termination would be a retrenchment since the conditions mentioned in 25(F) was not followed, and allowed the application.

This Bench had held in O.A. 32/89, that the applicant therein, who is similarly placed as Respondent No. 1 in this case, namely Bungalow Lascar will be a 'workman' and therefore before terminating him, the conditions mentioned in Sec. 25F of Act had to be followed. One additional fact that had to be noticed is in the order of the Industrial Tribunal it is mentioned that there was no dispute by the railways about the status of the applicant as a 'workman'.

In view of the above, the application is dismissed. However, we make it clear, that it will be open to the applicants to take appropriate steps in terms of I.D. Act, if so advised, and this decision will not stand in the way of the applicants to take such a step as per the I.D. Act."

9. Thus in order to comply with Section 25-F of Industrial Dispute Act, an opportunity was given to the management; simultaneously holding that the erstwhile order of dismissal is against Section 25F of I.D. Act and so invalid.

10. In pursuance of the award passed in I.D. No. 117/87 there was grievance for the management for the Order of reinstatement made therein and so the management preferred O.A. No. 678/89 mentioned above which ended in Ex. M2 award. Simultaneously, as against the other portion of the result in I.D. No. 117/87 that the petitioner shall not be paid backwages, the later preferred O.A. 459/92 before the Central Administrative Tribunal wherein an Order was passed by Ex. M3 dated 15-7-93 and it was held therein that the applicant will have to exhaust the remedy under the Industrial Dispute Act and he cannot approach the Central Administrative Tribunal without exhausting that remedy. Thus on the basis of jurisdictional point the petition O.A. 459/82 was dismissed. Petitioner's Review petition No. 88/93 filed before the Central Administrative Tribunal was also dismissed on 28-2-94 and the copy of order of which was marked as Ex. M4.

11. It was said in para. 6 of the Reply statement of the management that in compliance of the Judgement dated 16-9-92 of Central Administrative Tribunal, Madras in O.A. 474/99 filed by the workman, he was later on paid backwages for the period from 12-9-83 to 9-6-91. He was also reinstated on 10-6-91 through Ex. W2 order. This was made in com-

pliance with the Award in I.D. No. 117/87 as confirmed by the Central Administrative Tribunal in O.A. 678/89.

12. It was on 13-6-91 within 3 days after his reinstatement the petitioner was again terminated. This time they have given the compensation amount as determined in Section 25F of the Industrial Dispute Act. The copy of termination order was marked as Ex. W3. Ex. W4 was the representation made by the petitioner, on which a parasewise comment was made by the respondent through Ex. W5. There was a failure report of Conciliation through Ex. W7 and the matter was referred here.

13. The Learned Counsel for the Management now argued that true it was that the petitioner was appointed as a Lascar on 6-1-82; it was equally true that by inadvertence of the management, his services was continued till terminated on 12-9-83. The dispute was referred to this Tribunal which passed an award in I.D. 117/87 mentioning that Section 25F was not complied with and so the termination dated 12-9-83 was illegal and that therefore an Order of reinstatement with continuity of service but without backwages was made. In Para. 6 of the Reply statement, the management conceded that in O.A. No. 424/91 preferred by the workman before the Central Administrative Tribunal, backwages was ordered and accordingly the same was paid. Again O.A. No. 459/92 preferred by the workman before the Central Administrative Tribunal on other respects was dismissed on the ground of jurisdiction.

14. Therefore in compliance of an award passed in I.D. No. 117/87 and above noted O.A. No. 678/89, the workman was again reinstated on 10-6-91 through Ex. W2 order. This was also after payment of backwages. Subsequently, he was terminated on 13-6-91 through Ex. W3 order, of course after complying with Section 25F of I.D. Act.

15. Now the Learned Counsel for the Workman argued by virtue of Award passed in I.D. No. 117/87 which was confirmed in O.A. No. 678/89 before the Central Administrative Tribunal, the services of the workman was continuous from the date of appointment 6-1-82 till he was reinstated on 10-6-91. Thus his services is of continuous period of 9-1/2 years. During this period of 9-1/2 years, there would have been humpty number of Lascars appointed by the management. If such persons are brought to light then it must be that last person should be first retrenched. In this connection, M.A. 202/99 was filed by the workman which was resisted by the management and there was a Speaking Order dated 11-4-2000 by this Tribunal whereby the documents were ordered to be produced on 26-5-2000. But those documents have not been produced. It is idle for the management now to contend that the documents are not available. There was no proceedings taken against the Order passed by this Tribunal in M.A. No. 202/99. Therefore, we are constrained to take adverse inference that such documents are available with the management and the non production of the same will go to show that similar other lascars are in service who were appointed later than this petitioner. Natural justice requires that the last person appointed shall first be retrenched. As this is not followed the termination is illegal and motivated. Therefore, the Order of Termination is held as invalid and is set aside.

16. In the result, the Order of reinstatement is ordered in favour of the petitioner with backwages, continuity of service and all other attendant benefits. Award passed accordingly. No costs.

Dated at Chennai, this 27th day of November, 2000

S. R. SIGHARAVELU, Industrial Tribunal
I.D. No. 5/1997

WITNESSES EXAMINED

For Petitioner/Workman : None

For Respondent/Management : None

DOCUMENTS MARKED

Petitioner/Workman :

Ex. W1 19-9-83 Termination order issued to the petitioner.

Ex. W2 10-6-91 Order of re-instatement issued to the petitioner.

Ex. W3 13-6-91 Termination order issued to the petitioner.

Ex. W4 18-4-94 Copy of the 2A petition filed by the petitioner.

Ex. W5 18-4-94 Remarks of the respondent, before the Conciliation Officer.

Ex. W6 21-11-94 Rejoinder filed by the petitioner.

Ex. W7 14-8-95 Failure report.

Management/Respondent :

Ex. M1 Award in I.D. No. 117/87.

Ex. M2 CAT Judgement in O.A. No. 678/89.

Ex. M3 CAT Judgement in O.A. No. 459/92.

Ex. M4 CAT Judgement in Review Petition No. 88/93 in O.A. No. 459/92.

नई दिल्ली, 3 जनवरी, 2001

का.आ. 96—औद्योगिक विवाद अधिनियम, 1947 (1947 का. 14) की धारा 17 के अनुसूच में केन्द्रीय सरकार इन्टीग्रेल कोच फैक्ट्री, मद्रास के प्रबंधन के संज्ञक नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-1-2001 को प्राप्त हुआ था।

[न.एन.—41012/58/94—आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 3rd January, 2001

S.O. 96.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Integral Coach Factory, Madras and their workman, which was received by the Central Government on 2-1-2001.

[No. L-41012/58/94-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL
NADU, CHENNAI

Wednesday, the 29th day of November, 2000

PRESENT :

Thiru S. R. Singharavelu, B.Sc., B.F., Industrial Tribunal,
INDUSTRIAL DISPUTE No. 118 of 1997

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Integral Coach Factory Madras-38)

BETWEEN

Shri Raghavel,
Dr Ambedkar Street,
Malanallathur village and Post,
Tiruvellore Taluk,
Cengai M.G.R. District-602004.

AND

The Management of Integral Coach Factory,
Madras-600038

REFERENCE :

Order No. L-41012/58/94-IRBI Dt. 30-6-95, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Monday, the 27th day of November, 2000, upon perusing the reference, Claim and Counter Statements and all other material papers on record and upon hearing the arguments of Mr. D. Rameshparanathan and V. Ajay Kumar, Advocates appearing for the workman and of Mr. V.S.R. Ramasubbu Koka, Advocate appearing for the management and this dispute having stood over on this day for consideration, this Tribunal made the following

AWARD

The Govt. of India has referred the following issue for adjudication by this Tribunal :

"Whether the action of the management of Integral Coach Factory, Madras in dismissing the services of Sri M. Ragavel, an ex-Khalasi w.e.f. 29-11-89 is just and legal? If not, to what relief is the workman entitled to?

2. The main averments found in the Claim statement of the petitioner are as follows :

The petitioner joined in the services of the Integral Coach Factory on 17-2-79 as Khalasi. Later he was promoted as Khalasi Helper. Due to his illness he was not able to present intermittently between 4-10-87 to 26-5-88 for 112 days. The Asst. Works Manager issued a Charge Memo dated 5-7-88 alleging that he was unauthorisedly absent for 112 days between 4-10-87 to 26-5-88. Since his illness got aggravated his Cousin brother at Kanchipuram took him to his house. He took treatment from Doctor P. Loganathan, Government Hospital, Kanchipuram in between 27-7-88 to 18-7-89. After treatment at Kanchipuram he joined duty. Having permitted him to join duty, the management should have ordered for another enquiry afresh setting aside the earlier enquiry, said to have been conducted against him. The Works Manager dismissed him from service by an order dated 29-11-89. The Works Manager is the disciplinary authority. But the Asst. Works Manager issued the Charge Memo initiating the disciplinary action, who has no jurisdiction. Before passing the dismissal order, the findings of the enquiry officer was not given to him. The Deputy Chief Mechanical Engineer rejected his appeal by an order dated 5-4-90. Further by their original mistake the petitioner was denied opportunity to file revision to the Chief Mechanical Engineer, since he was stated to have been the appellate authority originally and the petitioner was not put on notice about his right to revision and the authority for revision. The Deputy Chief Mechanical Engineer is not an appellate authority. Therefore he has no jurisdiction to dispose of his appeal. As per the Board's letter dated 10-11-89 which was admittedly received by the respondent on 15-11-91, much prior to the date of dismissal, the respondent ought to have issued second show cause notice and also furnished the enquiry proceedings and findings of the enquiry officer, giving the petitioner opportunity to explain on the findings and also on the proposed punishment. Without adhering this rule, dismissing the petitioner straight away by an Order dated 29-11-91 without issuing second show cause notice and without furnishing the findings is totally denying opportunity to the petitioner and therefore illegal. The petitioner belong to Scheduled Caste. He hails from rural agricultural coolie family. He was the first person who got employment that too in Central Government Service. He studied only upto 9th Std. He is the only bread winner of his family. He has his aged mother, wife and 2 children. In spite of various representations and appeals to provide him an opportunity to rehabilitate himself and his family, he was denied the same. The petitioner prays to pass an award holding that the removal is not justified and direct the respondent to reinstate the petitioner with continuity of service, back wages and other attendant benefits.

3. The main averments found in the Counter Statement of the respondent are as follows :

The petitioner was appointed as a Mali on a Pay Scale of Rs 196-232 w.e.f. 17-2-1979. He was transferred as Khalasi on 28-4-1979 and later he was promoted as Khalasi Helper from 26-11-84 till his removal on 1-12-89. The petitioner was a chronic absentee and had absented for a cumulative period of 1223 days in his 10 years of service. Though

his reply claimed to have produced private medical certificate, but no such certificates were enclosed or produced. Thereby an inquiry was ordered by the Disciplinary authority and an Inquiry Officer appointed on 5-10-88. The Inquiry Order dated 5-10-88 and advices dated 2-5-89 and 20-6-89 fixing the Inquiry on 30-5-89 and 11-7-89 respectively were sent by registered post to the petitioner's last known address given in his service records both the notices were returned as 'not found', thereafter the inquiry was proceeded with 'ex-parte' on 11-7-89. Based on the Inquiry report the Disciplinary authority imposed the Order of removal from service w.e.f. 1-12-89. Further the contention that the Asst. Works Manager has no jurisdiction is not tenable, as the Officer who appointed the petitioner as Mali was an Assistant Officer and his transfer as Khalasi was by Senior Scale Officer. The Order of removal from service was under the signature of the Works Manager (Senior scale), who is the appointing authority. Further the averment that the inquiry report was not made available prior to the imposition of removal, the Apex Courts decision after the 42nd Amendment of the Constitution of India, an Inquiry report to the delinquent prior to penalty order is not necessary. The penalty order issued under the signature of the Works Manager (Senior scale) had inadvertently showed that an Appeal shall lay to Chief Workshop Engineer/Shell whereas the Appellate Authority was the Deputy Chief Mechanical Engineer/Shell. Even though, the petitioner had addressed his appeal to CME/Shell, the appeal was considered by the appropriate authority i.e. the Dy. CME/Shell and orders passed. Similarly the Revision petition addressed to the CME/Shell, was considered by the Competent authority i.e. the CME/Shell and rightly disposed off. The respondent prays that the termination of the petitioner who was engaged as a Mali in terms and conditions to his appointment order is legal and the petitioner seeking for a direction for reinstatement with backwages and continuity of service and all other consequential benefits and costs, is not entitled for the same.

4. On behalf of petitioner, Ex. W1 to W19 were marked by consent. On behalf of respondent, Ex. M1 to M22 series were marked by consent. No witnesses were examined for both sides.

5. The Point for consideration is : Whether the action of the management of Integral Coach Factory, Madras in dismissing the services of Sri M. Ragavel, an ex-Khalasi w.e.f. 29-11-89 is just and legal? If not, to what relief is the workman entitled to ?

6. The Point : The petitioner-Workman Mr M Ragavel was appointed as a Khalasi in the Integral Coach Factory, Madras on 17-2-79. Later he was promoted as Khalasi helper, from 26-11-84 till his removal on 1-12-89 for his unauthorised absence for 112 days between 4-10-87 to 26-5-88. A Charge memo was issued and the same with acknowledgement was marked as Ex. M2 (equivalent to Ex. W1). His explanation for the Charge memo was marked as Ex. M3. On 5-10-88 there was an Order to conduct enquiry and that order was marked as Ex. M4. The covering letter for departmental enquiry and the returned cover were respectively marked as Ex. M5 and M6. Another covering letter for Departmental enquiry with returned cover with A.D. forms were respectively marked as Ex. M7 and M8. Therefore, an ex-parte enquiry was made and the report of which was marked as Ex. M9 dated 24-7-89. There was a consequential order of termination on 29-11-89 and the same was marked as Ex. M10 (equivalent to Ex. W2). It was served upon the petitioner through Ex. M11 acknowledgement card. The same was affixed on Notice Board through Ex. M12. The appeal preferred by the petitioner was also dismissed on 5-4-90 through Ex. M16 (equivalent to Ex. W6).

7. At this stage, it is to be mentioned that according to the representation of the petitioner through Ex. M15 dated 8-2-90, he fell ill at Kanchipuram in his brother's house and he was taking treatment for 'Polyneuritis and Enterocolitis' from 27-7-88 to 18-7-89. Although it was said that Medical certificates were enclosed nothing was found actually enclosed. Thus the appeal was dismissed. Subsequent representations of petitioners through Ex. W8 to Chief Mechanical Engineer and to the Member of Parliament through Ex. M9 went futile. Therefore industrial dispute was raised through Ex. W11 and as the conciliation failed, the reference was made to the Tribunal.

8. True it is that the Domestic enquiry was held 'ex parte'. The misconduct alleged was the petitioner's unauthorised absence for 112 days between 4-10-87 and 26-5-88. The explanation of the petitioner was that he was taking treatment at Kanchipuram for his illness during that period. So far no evidence showing his illness was produced. The fact remains that twice announcement of departmental enquiry was sent to the petitioner which were returned 'undelivered' by postal authority. One such covering letter of the management was dated 2-5-89 through Ex. M5 and another was dated 20-6-89 through Ex. M7. Both were returned by postal authority 'undelivered'. Therefore, there was every justification to proceed with the enquiry 'ex parte'. It is important to mention that under Ex. M11 Acknowledgement card, the petitioner had received the Order of termination dated 29-11-89 marked as Ex. M10 (W2). Even now the petitioner has not produced any evidence to show that he was ill during the period of absence.

9. At this juncture, an attempt was made on the part of the management, to describe the petitioner as a habitual and chronic absentee. In this connection, additional document through Ex. M22 was marked by consent which would vividly show his leave for 1200 days between 17-2-79 to 1-12-89. During a decade, he was absent for 4 years intermittently. He was thus shown an absentee for almost 40 per cent of the said working days.

10. The Learned Counsel for the workman contended that past record of service which was not produced during the domestic enquiry cannot be considered in this tribunal. True it is that this allegation of chronic absentee was not made in the domestic enquiry. Had it been mentioned there, an opportunity would have been given to the petitioner to defend himself which he is now lacking. Whatever it is as provided in 1990 I LLJ 298 we have to consider the negation of opportunity for petitioner for defending himself against the allegation the allegation of chronic absenteeism. In similar circumstances, it was held in the above cited case as follows :

"When we view this question from the above angle, we cannot take exception to the opinion expressed by the learned single judge that when there was an omission on the part of the management to put the employee on notice of the move on the part of the management to take into consideration the past record of service of the employee in the matter of imposition of the punishment, there was a violation of the principles of natural justice and the same error had crept into the thinking on the part of the Labour Court. The vitiating factor was the denial of opportunity to the employee to explain the past record of service at the appropriate time. That has nullified the resultant action. Thereafter the matter has to be viewed unattained by the past record of service."

11. By applying the above ratio decidende, we hold that the past adverse antecedents may not be taken into consideration at present, in the above circumstances.

12. Now we have to re-appraise the evidence in domestic enquiry. Unduly absentee employees will be perennial headache to the employer and if this mind-set is adopted by other employee also, then it will affect the normal production of the Integral Coach Factory. Therefore, the long absentee employee has to be removed, provided if the procedure was adopted correctly, and proof is available.

13. The Learned Counsel for the Workman now pointed out that there was a Circular in the Railway Board through Ex. W3 dated 14-12-89 (as correctly mentioned in the Index to the Typed set of paper of workman) whereby it was required that copy of report of enquiry shall be supplied to the delinquent workman before ever, the punishment was imposed by the Disciplinary Authority and especially when the enquiry officer is different from the disciplinary authority.

14. The learned counsel for the workman contended that the Circular was dated 10-11-89 so as to cover the Impugned Order of Termination dated 22-11-89. A careful perusal of Ex. W3 Circular would go to show that the date 10-11-89 was mentioned only in the reference of Board's letter and not actually the date of Circular issued by the General Manager's Office of the respondent. On the contrary, the date of issue of the Circular by the General Manager's Office of the respondent was found only on 14-12-89 as mentioned

in the Index to the Typed set of Papers of the petitioner. This makes the position clear that the Circular will not cover the Order of Termination as the Circular is later in time than that of the Order of termination.

15. The Learned Counsel for the Workman again relied upon 1994 I LLJ p. 162 and argued that the non-supply of copy of Enquiry Report before over the Disciplinary Authority imposed punishment will make the procedure irregular. Now we have to see what actually was observed in 1994 I LLJ 162. It was held as follows :

"Both administrative reality and public interests do not, therefore, require that the orders of punishment passed prior to the decision in Mohd. Ramzan Khan's case without furnishing the reports of the Enquiry Officer should be disturbed and the disciplinary proceedings which gave rise to the said orders should be reopened on that account.

The proposition of law that the two rights were independent of each other and in fact belonged to two different stages in the inquiry came into sharp focus only after the 42 Amendment of the Constitution which abolished the second stage of the inquiry, viz., the inquiry into the nature of punishment. It was for the first time in Mohd. Ramzan Khan's case that the question squarely fell for decision before this Court. Hence till November 20, 1990 i.e. the day on which Mohd. Ramzan Khan's case was decided, the position of law on the subject was not settled by this Court. It is for the first time in Mohd. Ramzan Khan's case that this Court laid down the law. That decision made the law laid down there prospective in operation, i.e., applicable to the order/of punishment passed after November 20, 1990. The law laid down was not applicable to the orders of punishment passed before that date notwithstanding the fact that the proceedings arising out of the same were pending in courts after that date. The said proceedings had to be decided according to the law prevalent prior to the said date which did not require the authority to supply a copy of the Inquiry Officer's report to the employee. The only exception to this was where the service rules with regard to the disciplinary proceedings themselves made it obligatory to supply copy of the report or by management.

Now we have to see whether other exception clause is applicable. The only exception was where the Service Rules themselves made it obligatory for supply of copy of the report to the employee. But in this case, the Circular marked through Ex. W3 was later in time than that of the Order of termination and so was not applicable to the above domestic proceedings, as it was not also shown as having retrospective effect. Thus there is no exception. This Order of Termination was prior to 20-11-90. Therefore, the Old Law alone was applicable. The law laid down in Mohd. Ramzan's case is not applicable as per the observation made in the above cited case. Thus the procedure is held correct. There is no other irregularity found in the procedure adopted in the domestic enquiry. Therefore, the Order of termination is valid.

16. In support of our above view, certain observations made in the above cited case have also to be looked into and it is as follows :

"Hence to direct reinstatement of the employee with backwages in all cases is to reduce the rules of justice to a mechanical ritual. The theory of reasonable opportunity and the principles of natural justice have been evolved to uphold the rule of law and to assist the individual to vindicate his just rights. They are not incantations to be invoked nor rites to be performed on all and sundry occasions. Whether in fact, prejudice has been caused to the employee or not on account of the denial to him of the report, has to be considered on the facts and circumstances of each case. Where, therefore, even after the furnishing the report, no different consequence would have followed, it would be a perversion of justice to permit the employee to resume duty and to get all the consequential benefits. It amounts to rewarding the dishonest and the guilty and thus to stretching the

concept of justice to illogical and exasperating limits. It amounts to an 'unnatural expansion of natural justice' which in itself is antithetical to justice".

17. Even in that case law, it was observed that it should also be established as to what was the prejudice caused to the workman by the failure to supply the enquiry report. In this case, no prejudice was alleged to have been caused to the workman. In fact he remained ex parte through the domestic enquiry. When he went only evaded the service of the enquiry date, there could be no grievance to him. It is also not the case of the workman that the domestic enquiry was want only made behind his back. If that was true he could have asked for re-enquiry which he never asked for. Therefore, viewed in any angle, chronic absence will be a perennial headache to the Welfare of the administration and is liable to be condemned effectively. Thus the Order of termination is justified.

In the result, award passed holding that the action of the management of Integral Coach Factory, Madras in dismissing the services of Shri M. Ragavel, an ex-Khalasi with effect from 29-11-89 is justified. No costs.

Dated at Chennai, this 29th day of November, 2000

S. R. SINGHARAVELU, Industrial Tribunal

I.D. No. 118/97

WITNESSES EXAMINED

For Petitioner/Workman : None.

For Respondent/Management : None.

DOCUMENTS MARKED

For Petitioner/Workman :

- Ex. WW1 5-7-88 : Memorandum sent to the petitioner by respondent.
- Ex. W2 29-11-89 : Dismissal order issued to the petitioner by management.
- Ex. W3 14-12-89 : Circular issued by the management.
- Ex. W4 : Mercy petition submitted before the GM/ICF by the petitioner.
- Ex. W5 8-2-90 : Representation sent by the petitioner to the Chief Workshop Engineer, I.C.F. Chennai
- Ex. W6 5-4-90 : Order passed in the Appeal.
- Ex. W7 9-7-90 : Representation sent to Chief Workshop Engineer, Integral Coach Factory, Chennai.
- Ex. W8 30-7-90 : Representation sent to Chief Mechanical Engineer by the petitioner.
- Ex. W9 23-10-91 : Letter addressed by Sri Era. Anbarasu, M.P. to the G.M. Integral Coach Factory.
- Ex. W10 Feb'92 Petitioner's representation to Nilmal Kante.
- Ex. W11 14-10-92 : I.D. raised before the Asst. Labour Commissioner by the petitioner.
- Ex. W12 : 18-12-92 : Remarks filed by the respondent.
- Ex. W13 31-3-93 : Minutes of Conciliation proceedings.
- Ex. W14 8-11-93 : Petitioner's letter to the Govt. of India, Ministry of Labour to refer the dispute for adjudication.
- Ex. W15 27-3-95 : Advocate notice sent to the Secretary, Ministry of Labour, Delhi.
- Ex. W16 7-7-95 : Advocate notice sent to the Secretary, Ministry of Labour, Delhi regarding transfer of the case from Bangalore to Madras.
- Ex. W17 24-6-94 : Advocate notice sent to Central Govt. Ministry of Labour.
- Ex. W18 27-8-87 : Advocate notice sent to the Central Govt. Industrial Tribunal, Bangalore.

Ex. W19 8-9-97 : Reference transferring the dispute from Bangalore to Madras for adjudication.

Documents for Management :

- Ex. M1 : Statement of Articles.
- Ex. M2 5-7-88 : Charge sheet and Annexure with Acknowledgement.
- Ex. M3 6-7-88 : Explanation for Charge-memo.
- Ex. M4 5-10-89 : Order to conduct enquiry.
- Ex. M5 2-5-89 : Covering letter for Departmental enquiry.
- Ex. M6 : Returned cover.
- Ex. M7 20-6-89 : Covering letter for Departmental enquiry.
- Ex. M8 : Returned cover with A.D. Forms.
- Ex. M9 : Enquiry report with Covering letter dated 24-7-89.
- Ex. M10 29-11-89 : Dismissal order.
- Ex. M11 : Acknowledgement card.
- Ex. M12 29-11-89 : Order affixed on Notice Board.
- Ex. M13 : Certificate of Fitness.
- Ex. M14 27-7-88 : Medical certificate for leave.
- Ex. M15 8-2-90 : Representation by petitioner.
- Ex. M16 5-4-90 : Disposal of Appeal order.
- Ex. M17 : Acknowledgement Card.
- Ex. M18 : Mercy appeal by petitioner.
- Ex. M19 2-7-90 : Disposal of appeal/order.
- Ex. M20 27-7-90 : Order of removal from service with acknowledgment.
- Ex. M21 30-7-90 : Representation from petitioner.
- Ex. M22 series 21-6-79 : Petitioners of service upto 27-7-90.

नई दिल्ली, 3 जनवरी, 2001

का.आ. 97.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को प्रांग 17 के प्रामुख में, केन्द्रीय सरकार एण्डर्ड चार्टर्ड बैंक, केन्द्रीय क प्रबंधन के संबंध निषेधको और उनके कर्मचारियों के बीच, प्रामुख में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिनियम केन्द्रीय के प्रांग को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-1-2001 को प्राप्त हुआ था।

[र.एल-12011/18/99-प्रार्.प्रार. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 3rd January, 2001

S.O. 97.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Standard Chartered Bank, Chennai and their workman, which was received by the Central Government on 2-1-2001.

[No. L-12011/18/99-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, CHENNAI-104

Monday, the 27th day of November, 2000

PRESENT :

Thiru S. R. Singharavelu, B.Sc.B.L., Industrial Tribunal, Industrial Dispute No. 191 of 1999

[In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Standard Chartered Bank, Madras.]

BETWEEN

The workmen represented by:
The General Secretary,
All India Standard Chartered Bank Employees
Federation,
58, Armenian Street,
Chennai-600001.

AND

The Managing Director,
Standard Chartered Bank,
58, Armenian Street,
Chennai-600001

REFERENCE :

Order No. L-12011/18/99/IR(B-I) dated 16-8-1999,
Ministry of Labour, Government of India, New
Delhi.

This dispute coming on this day for final disposal in the presence of Tvl. S. Ramasubramaniam and Associates, advocates appearing for the Management, upon perusing the reference and other connected papers on record and the Workmen being absent, this Tribunal passed the following:

AWARD

This Government of India has referred the following issue for adjudication by this Tribunal:

"Whether the action of management of Standard Chartered Bank, Chennai in retrenching by introducing early separation scheme (voluntary retirement scheme) is justified or not? If not, justified, to what relief the workmen subjected to VRS is entitled. Whether the employer has contravened provision of Section 33 of Industrial Dispute Act, 1947 by accepting the application for VRS from the employee during the pendency of proceeding before the Conciliation Officer against the VRS."

No representation for Petitioner. Paper publication checked and effective. Petitioner called absent. Industrial dispute dismissed for default.

Dated at Chennai, this 27th day of November, 2000.

S. R. SINGHARAVELU, Industrial Tribunal

नई दिल्ली, 4 जनवरी, 2001

का.आ. 98.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इन्दौर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-1-2001 को प्राप्त हुआ था।

[सं.एन-12012/737/87-डी-IIIए.]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th January, 2001

S.O. 98.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers

in relation to the management of State Bank of Indore and their workman, which was received by the Central Government on 3-1-2001.

[No. L-12012/737/87-D-II-A]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case No. CGIT/IC/R/69/88

Presiding Officer : Shri K. M. Rai.

Shri Anil Ku. Jain and

Shri Surendra Singh Rathore,

.. Applicants.

Versus

State Bank of Indore,
Bhopal.

.. Non-applicant.

AWARD

Delivered on this 1st day of December, 2000

1. The Government of India, Ministry of Labour vide order No. L-12012/737/87-D.II(A) dated 13-7-88 has referred the following dispute for adjudication by this Tribunal—

“क्या स्टेट बैंक ऑफ इन्दौर की सर्वे श्री अनिल कु. जैन तथा सुरेन्द्र सिंह राठौर की सेवा अनुसमन करने और औद्योगिक विवाद अधिनियम की धारा 25-ए के अधीन नई भर्ती करने समय आगे रोजगार के लिए उनके नामों पर विचार न करने की कार्यवाही न्यायोचित है ? यदि नहीं तो संबंधित कर्मचार किन अनुसमन के हकदार हैं ?

2. The case for the workman Shri A. K. Jain is that he was appointed in the State Bank of Indore, Ashok Nagai, District Guna on 13-12-82 in regular and permanent vacancy and was employed after due interview and selection by the Bank. He was not permitted to work w.e.f. 20-2-83 without any reasons and any written order. While terminating the services of the workman, one Shri Kailash Chandra Jain who was appointed on or above 16-12-83 was retained in service. Likewise the juniors were retained in service and the seniors were terminated by the bank. The management has violated the provisions of Section 25-G of the I.D. Act, 1947 in terminating the services of workman. He was not served with notice prior to terminating his service. He is therefore entitled to reinstatement with all consequential benefits attached to this post.

3 The case for workman Shri Surendra Singh Rathore is that he was employed on 3-4-84 at Moyna branch by the bank after a proper selection in a regular post in a regular manner. He was not permitted to work w.e.f. 12-5-84 by the Bank without giving him any notice or order in writing in respect thereof. His services were terminated in clear defiance of the provisions of Section 25 G of the I.D. Act, 1947. He is, therefore, entitled to the reinstatement with all consequential benefits attached to this post.

4 The case for the management is that both the workmen Shri A. K. Jain and Shri S. S. Rathore were appointed as temporary clerk for a limited period of time. Their services came to an end with the efflux of time. At the very time of appointment workmen were made known the terms and conditions of their temporary appointment. Their appointment was not according to the rules of recruitment prescribed for the appointment of clerks in the Bank. The appointment of the temporary employee cannot exceed 75 days and therefore the workmen were not given further appointment. They never continuously worked for 240 days in a calendar year and therefore the provisions of Section 25-B of I.D. Act, 1947 are not applicable in this case. For appointment in clerical cadre of the Bank, the recruitment are made through Banking Service Recruitment

Boards/Regional Recruitment Boards which advertise the posts in all leading newspapers. The candidates are required to face written test and interview. Those candidates who are declared successful on the basis of their standing in the merit are offered permanent employment in the bank. The workmen never availed of the opportunity for appearing in the test etc.

5. The Bank further alleges that the workmen were never retrenched. Their temporary appointment automatically came to an end after the expiry of the period. The workmen have been kept outside the scope of benefits of the awards in terms of para 16-9 of Desai Award which reads as under :

"The State Bank of India has claimed that casual workers and job workers should be excluded from the operation of this award. I have made no provision in any part of this award in connection with them and persons who are casual employees or who are employed to do job work are excluded from the operation of this Award."

6. Another relevant provision of Desai Award in para 23-19 is as under :

"There is no merit in the demand that where daily-rated and/or temporary hands remain in employment for aggregate period of 3 months during any 12 consecutive months they should be deemed to be probationers and should be so covered and absorbed against permanent vacancies. The said demand is opposed by the Banks and the same is rejected. As regards the demand that all employees working for 3 months or more should be deemed as confirmed, save as otherwise provided in this award no directions are given."

7. In view of the aforesaid facts, the managements contend that the workmen are not entitled to any relief in the present case as claimed by them.

8. The sole point for determination in the case is as to whether the workmen are entitled to reinstatement with all consequential benefits.

9. It is admitted facts that the workmen were employed as temporary clerk for a period of less than 75 days. Thereafter they never appeared in the test for the recruitment of clerks conducted by the Banking Services Recruitment Board. They have also admitted that they never cleared any test. They have never cleared the test for recruitment of clerk in the Bank. Without clearing this test, no candidate should claim for the appointment as a clerk in the Bank as per recruitment rules. Desai Award also debars the absorption of casual or temporary employees, who have worked for 3 months in the bank as a regular employee of the Bank. The workman cannot be given permanent employment through back door entry as claimed by them. They must clear the required test conducted by the Banking Recruitment Board for the clerk in the bank. Without complying with this provision, the workmen cannot claim the regular employment in the Bank.

10. In view of the foregoing reasons the workmen have no right to claim regular employment with back wages and other consequential benefits attached to the post as claimed by them in the present case hence the reference is answered against the workmen and in favour of the management.

11. Copy of award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 4 जनवरी, 2001

का.आ. 99 .—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार मेन्टल रेलवे, अजिनी, नागपुर के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, संबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम

न्यायनय नगपुर के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार का 3 जनवरी, 2001 को प्राप्त हुआ था।

[म.एल-41012/43/92-आई.आर.डी.यू. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th January, 2001

S.O. 99.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Central Railway, Ajni, Nagpur and their workman, which was received by the Central Government on 3-1-2001.

[No. L-41012/43/92-IRDU(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/150/93

Presiding Officer : Shri K. M. Rai
Shri D. V. Meshram,
R/o Railway quarter,
Near Railway water tank,
Chandur railway,
Distt. Amravati.

Applicant

Versus

The Chief Foreman,
Central Railway,
Ajni,
Nagpur.

.. Non-applicant

AWARD

Delivered on this 15th day of December, 2000

1. The Government of India, Ministry of Labour vide order No. L-41012/43/92-IRDU has referred the following dispute for adjudication by this tribunal—

"Whether the action of the management of Central Railway, Ajni, Nagpur in terminating the services of Shri D. V. Meshram Casual labour is legal and justified? If not, what relief he is entitled for?"

2. The case for the workman is that he was appointed as casual labour on 3-5-73 by the management and continued till 25-9-85. During the course of employment, he remained on medical leave w.e.f. 26-9-85 to 19-11-85 on account of being injured on duty. Thereafter he was taken back in service by the management. The Assistant Engineer (TT) Central Railway Jhansi informed the applicant vide letter dated 29-3-89 that those casual workers, who were appointed after 18-12-80 shall be issued service card with the consent of the General Manager and accordingly the applicant was directed to present himself at Jhansi within 10 days of the receipt of the said letter with the following information :—

- (i) Passport size photo
- (ii) Service record, if any
- (iii) Proof of date of birth
- (iv) Educational qualifications

3. The aforesaid letter was received by the applicant on 25-3-89. This letter was not applicable to him because he was employed in the year 1973. Thereafter a letter was sent by the chief foreman track machine, Central Railway, Ajni, Nagpur on 27-1-90 to the applicant that basically he was appointed on daily wages and he will be considered for regular appointment when any vacancy would arise in future. By this letter, he was asked to submit his willingness within 30 days if he wanted the employment.

4. The applicant further alleges that he sent his willingness on 31-1-90 which was acknowledged by the management on 8-2-90. In spite of several reminders he was not considered for employment by the management. Shri Bhagirath, Shri Rahul, Shri Naresh, Shri Gangadhar, Shri Gvneshwar Shri Madhav Nathu and Shri Harprasad, who were juniors to applicant, were given regular employment by the management and the applicant was never considered for the same. He had continuously worked for more than 240 days. Without giving any prior notice he was retrenched by the management in violation of Section 25-F of the I.D. Act, 1947. Hence he is entitled to reinstatement with all consequential benefits.

5. The case for the management is that the applicant was appointed as casual labour on daily wages on 19-3-85 and worked upto 25-9-85. Thereafter he left the services at his own sweet will. The applicant was again re-employed on 20-11-85 and worked upto 5-11-86. Thereafter again he left his services on his own will. Initially the workman was employed as casual labour on 3-5-73 under PWJ(M) Dhanangaon and worked in broken period upto 18-12-77 and he was never in service w.e.f. 18-12-77 to 2-12-84. The applicant left the service on his own will as he was not regularly engaged in the employment of the Railway. He has not continuously worked for more than 240 days. He is therefore, not entitled to any claim as alleged in the statement of claim.

6. The following points are arising for determination in the present dispute—

1. Whether the workman is entitled to reinstatement with all consequential monetary benefits?
2. Reliefs and costs?

7. Point No. 1: The workman has contended that his services were terminated by the Central Railway without complying with the provisions of Section 25-F of the Industrial Dispute Act 1947. According to him he had continuously worked for more than 240 days in the preceding year prior to termination of his services by the Railway. He has filed the record of his service Exhibit W1 in support of his contention. This record shows that he was employed as casual labour by the Central Railway on 3-5-73. He worked in this capacity till 18-12-77. Thereafter he left this job on his own will. Again after the lapse of about 7 years, he was employed as casual labour on 3-11-84 and worked till 26-9-85. Again he left the job on his own sweet will. Thereafter again he worked as casual labour w.e.f. 20-11-85 to 6-2-86. This service card clearly shows that the workman never continued to work w.e.f. 7-2-86. According to him no order of termination from service was issued to him by the Central Railway. In the absence of termination order it is not possible to hold that the management had terminated the services of the workman w.e.f. 7-2-86. On the contrary the service record Ex. W-1 indicates that the workman had himself left the job on his own sweet will. In view of this fact the contention of the workman that the management had terminated his services does not get any support from the oral or documentary evidence adduced by him. He himself had voluntarily left the job according to his own convenience. If the management had not terminated the services of the workman then the question of complying with the provisions of Section 25-F of the I.D. Act does not arise at all.

8. The workman has filed the letter dated 11-1-90 Exhibit W-4 issued by the management. By this letter the workman was directed to submit his willingness for getting employment as a casual labour within 30 days from the date of the receipt of the letter. In this very letter it has been stated that the workman had voluntarily left his previous job. The workman had never denied the said statement contained in Exhibit W-4 dated 11-1-90. This fact also goes to prove that the workman himself had left the job on his own accord. His name was regularly maintained as casual labour by the Central Railway and therefore he was offered the job in future in the event of falling any vacancy. The workman never sent his willingness within a period of 30 days from the date of receipt of the said letter (Ex. W-4). All these circumstances lead to conclude that the workman had no intention to get employment in the Railway and therefore he had left the job without any reason and subsequently also he never sent his willingness within time to the Railway for getting employment in future whenever the vacancy arises.

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9. In view of the foregoing discussions it becomes absolutely clear that the workman was never terminated by the Railway. On the contrary, it is proved beyond doubt that the workman had himself left the job on his own sweet will. He is therefore, not entitled to reinstatement with an monetary benefits. Point No. 1 is answered accordingly.

10. Point No. 2: In view of my finding given on point No. 1 the workman is not entitled to any relief as claimed by him.

11. On the reasons stated above, the applicant is not entitled to reinstatement with monetary benefits. The reference is accordingly answered in favour of the management and against the workman.

12. Copy of award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 3 जनवरी, 2001

का.आ. 100 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू.डी. के प्रबंधन के संबंध निरोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-1-2001 को प्राप्त हुआ था।

[सं.एल-42012/92/97-आई.आर. (डी.यू.)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 3rd January, 2001

S.O. 100.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, New Delhi, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 2-1-2001.

[No. L-42012/92/97-IR(DU)]

N. P. KESAVAN, Desk Officer

अनुबंध

समक्ष श्री केशव शरण श्रीवास्तव : पीठासीन अधिकारी : केन्द्रीय सरकार

औद्योगिक अधिकरण : नई दिल्ली

ओ.वि.सं. : 108/98

सोमनाथ वर्मा, बेलदार

द्वारा श्री प्रेम शंकर सक्सेना,

मंडल सचिव,

केन्द्रीय लोक निर्माण विभाग मजदूर यूनियन,

एल बी एस एन ए ए, चारली बिल्डिंग,

मसूरी-245 179

बनाम

अधिकांसी अभियन्ता,

केन्द्रीय लोक निर्माण विभाग सिविल डिवाजन-II,

20, मुभाप रोड,

देहरादून-248 001

जमान्यता : कोई उपस्थित नहीं हुआ।

अधिनिर्णय :

केन्द्रीय सरकार ने श्रम मंत्रालय के विधित आदेश संख्या एन.-42011/92/97-आई.आर. (डी.यू.) दिनांक 16-4-1998 द्वारा यह विवाद अवर्गण धारा 10(1)(घ) व 2(क) के अंतर्गत निर्दिष्ट विवादोपदे प्रण के न्यायनिर्णय हेतु निर्देशित किया गया है।

"Whether the demand of the CPWD Mazdoor Union as contained in the charter of Demands (Annexure 'A') is legal and justified? If not, to what relief the concerned workman is entitled?"

2. वाद के पंजीकृत होने के पश्चात् आदेश दिनांक 21-5-98 द्वारा श्रम पक्ष को नोटिस प्रते पक्ष प्रस्तुत करने हेतु दी गई। कर्मकार किमो भी निधि पर उपस्थित नहीं आया। प्रत्यक्ष की ओर से उसके प्राकृत प्रनिधि उपस्थित हुए। कर्मकार को कई तिथियों पर नोटिस पंजीकृत डाक द्वारा भेजे गये परन्तु कर्मकार उपस्थित नहीं हुआ और न ही उसकी ओर से कोई अधिवाचन विवरण प्रस्तुत किया गया है। अतः वाद से कर्मकार के विरुद्ध आदेश दिनांक 12-12-2000 द्वारा एकत्रीत कार्यवाही की गई।

3. चूंकि कर्मकार की ओर से कोई अधिवाचन विवरण वाद से प्रस्तुत नहीं किया गया अतः वाद से बिना कोई विवाद अधिनिर्णय पारित किया जाता है।

केशव जगज श्रीवास्तव, पीठासीन अधिकारी

दिनांक : 19-12-2000

नई दिल्ली, 3 जनवरी, 2001

का.आ. 101 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रीजनल सेरिकल्चरल रिसर्च स्टेशन के प्रबंधन के संघर्ष निरोधकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, अरुण के पंचाट को प्रकटित करती है, जो केन्द्रीय सरकार को 2-1-2001 को प्राप्त हुआ था।

[स.एन.-42011/43/99-आई.आर. (डी.यू.)]

एन. पी. केपनन, डैरक अधिकारी

New Delhi, the 3rd January, 2001

S.O. 101.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Assam as shown in the Annexure in the Industrial Dispute between

the employee in relation to the management of Regional Sericultural Research Station and their workman, which was received by the Central Government on 2-1-2001.

[No. L-42011/43/99-IR(DU)]
N. P. KESAVAN, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL, GUWAHATI, ASSAM
Reference No. 34(C) of 1999

PRESENT :

Shri K. Sarma, I.L.B.,
Presiding Officer,
Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute between :
The Joint Director,
Regional Sericultural Research Station,
Central Silk Board, Jorhat.

Vs.

Their workmen Shri Biswanath Mura and Shri Phanidhar Saikia

Date of Award : 4-11-2000.

AWARD

The Government of India, Ministry of Labour, vide Order No. L-42011/43/99/IR(DU) dated 26-10-89 has made this reference to this tribunal to adjudicate the dispute arising between the Management of Regional Sericultural Research Station, Central Silk Board Jorhat and their workmen, Shri Biswanath Mura and Shri Phanidhar Saikia out of alleged termination of their service as Muster Roll workers on the ground of irregular attendance. The referring authority has found the following issue for adjudication of the matter of controversy between the parties :

"Whether the action of the management of Regional Sericultural Research Station, Jorhat in removing Shri Biswanath Mura and Shri Phanidhar Saikia from service on the ground of low attendance without following the prescribed procedure is legal and justified? If not, to what relief the workmen are entitled?"

On receipt of reference, this tribunal has registered this case and issued notices to both the parties calling upon them to file their written statements and add written statement and documents, if any, in support of their case, in response to which, both the parties have appeared and complied with it. As both the parties belong to Jorhat District, case was heard on 14th and 15th October, 2000 at Jorhat Circuit House at the request of the parties.

The fact of the case, as reveals from materials on record is that management being a Central Government Undertaking, under the name and style of Regional Sericultural Research Station at Jorhat, originally stationed at Titabar carried out research work in the field of development of Muga Silk Industry in Assam. With this object in view the institution implements some time bound scheme with the help of different group of scientist. To assist the scientist in implementing the scheme, management engages some workers, some are permanently and some are casual. The present workmen B. Mura and Shri P. Saikia were engaged as casual labour purely on temporarily basis in field laboratory, Titabar, Regional Sericultural Research Station at Jorhat w.e.f. 1-3-85. As contended by the management both the workmen were very much irregular in attending their duties for which research works of the institution has suffered. It is also contended that the workmen were not attending the minimum 240 days work in a year which are requirement for protection of casual labour under the provision of Section 25F of I.D. Act. The management contend that with a view to improving their attendance, they have served a office memorandum on 28-3-91 and 19-10-91 and accordingly in response to it both the workmen have admitted their irregularities in their attendance, but ultimately it remained as it is. Both the workmen namely B. Mura has discontinued his work w.e.f. 2-1-92 and P. Saikia has discontinued on and from 19-1-92 and never reported their duty till 11-11-92 i.e.

at a gap of 10 months. On aforesaid date, the workmen have submitted a memorandum stating that they could not attend the duty due to their illness but their contentions were not supported by any medical certificate. Management, therefore, worded their representation to their higher authority at Bangalore who has disposed the same with a intimation to the management that vide letter No. CBS 63 (19)/92 ES(III) dated 7-8-92 reengagement or casual labour was banned. The workmen, thereafter, approached their union who has ultimately approached the concern labour authority by raising an Industrial Dispute. As labour authority could not settle the matter amicably through conciliation, the matter was referred to a appropriate Government who has ultimately made this reference to this Tribunal for adjudication through aforesaid issue.

The workmen by filing a written statement contended inter alia that they were illegally removed from the service by the management by obtaining their signature on blank paper out of some ulterior motive without complying with provision of law prescribed in that behalf and hence they are entitled for reinstatement.

Both the workmen have adduced their own evidence and that of the secretary of the union and management has adduced evidence of 4 witness. After recording evidence, I have heard the oral argument advanced by the representative of the union appeared on behalf of the workmen. The learned advocate for the management has submitted 20 page of long written argument in support of their case. In view of the aforesaid materials on record let us see whether management was justified in removing the workmen from their service or not which is main point in the issue framed by the referring authority.

The first and foremost contention of the management is that—In the written statement the management has contended that the management being no a industry within the meaning of ID Act but being a research project has no jurisdiction to adjudicate the dispute. But except this contention in para 4 of the written statement the management has not submitted any materials before as to hold that the management is not an industry. The term Industry has been defined in Section 2(j) of the ID Act which runs as follows: "Industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft or industrial occupation or avocation of workmen."

The language of the section makes it clear that any undertaking carrying out any business Trade or Manufacture work engaging workman may be termed as industry. The management institution is a Regional Scientific Research Station carrying out the work Muga Research which leads to production of Muga Silk by engaging of labour and hence it is an Industry.

The management has stated the entire fact and circumstances of the case in their written statement and these contentions were supported by their witness mainly PW1 Jeevan Dhekial Phukan, Senior Research Officer of the management. Both the workmen in their oral evidence have admitted the fact of irregularly in attending their duty. Although they have contended in their deposition that management has obtained their signature on a blank paper to remove them from service, but this allegation has been rebutted by the evidence of management. From the materials on record it is not established that management obtained the signature of workmen on blank paper. On the otherhand management has served office memorandum on 23-8-91 and 23-9-91 which are duly exhibited by the management in income of their evidence. It is also not established that management has given any notices of discharge to the workmen. On the otherhand there is ample materials on record including own admission of workmen in this deposition that they are very much irregular in attending their duty. In the evidence on PW1, Jeevan Dhekial Phukan, I find that Ext 2 is the statement of attendance of both the workmen yearwise and monthwise beginning from 1985 to 1992 March. In the year 1989 workman P Saikia was continuously absent for 4 months from March to June and in the month of January and February he was present only for 2 and 3 days respectively. Similarly in the month of October he was present for 7 days and December for 93 days and in the rest of the month, he was present for 12th to 13th day.

In the year 1985, he was present for a total period of 176 1/2 days in 1986, 174 1/2 days, in 1987 for 138 1/2 days, and 1988 for 88 1/2 days, in 1989 for 72 1/2 days, in 1990 for 131 days, in 1991, 161 days and 1992 upto March, he was present for 15 days.

Similarly, Shri B. Mura was present in the year 1985 for 261 days, in the year 1986 for 107 1/2 day, in 1987, 104 days, in 1988, 146 1/2 days, in 1989 125 1/2 days and was completely absent from the month of February in 1990. In said year, he was present for 182 days, in 1991, 162 days, 1992 he was present for 1 day. In that year, B. Mura was completely absent from 2-1-92 and P. Saikia was absent from 1992 and thereafter submitted memorandum for reengagement on 11-11-92 which the management has sent to their higher authority and the rate of which is already mentioned herein above. This being the entire materials on record I find that the management has not discharged the workmen from their duty illegally or without complying with the provision of law laid down in Section 25F of ID Act. But management being sympathetic to these poor workmen has forwarded their representative to higher authority submitted after long 10 months of absent stating the ground of illness without any medical certificate, but higher authority also did not consider the same due to ban on reengagement or casual worker vide letter No. CBS 63(19)/92-ES(III) dt. 7-8-92. From the materials on record I find that the workmen could not accrue their right against termination by the management by not attending a period of 240 days in a year from the very beginning of their engagement. It is true that even a duly rated workmen who has completed 240 days of work in a year can not be terminated without complying with Section 25F of ID Act. But in the instant case it is apparent from the materials reflected hereinabove that none of the workmen has completed 240 days of work in a year since their engagement as casual worker and hence they can not claim protection under Section 25F of ID Act. From whatever angle the case is judged it is clear that both the workmen were very very irregular in attending their work and ultimately they have discontinued for the reasons best known to them and hence management can not be blamed for terminating the workmen illegally from the service as contended by them.

In view of my aforesaid discussion on materials on record, I answer the reference in favour of the management.

However, considering poor economic condition of workmen, I hereby order that the management shall reconsider their case of reengagement a fresh if banned imposed by the higher authority is lifted and if the workmen approach them accordingly. Prepare an award accordingly.

K. SARMA, Presiding Officer

नई दिल्ली, 3 जनवरी, 2001

का या 102—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अंतर्गत में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अंतर्गत में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अथवा न्यायालय चण्डीगढ़ के पक्ष को प्रकाशित करती है, जो केन्द्रीय सरकार सरकार को 2-1-2001 का प्रां. र. अ. अ. 1।

[स. एल.-22012/286/99-आई. आर. (सी-II)]
एन. पी. कंग्रन, डैस्क अधिकारी

New Delhi the 3rd January, 2001

SO 102—In pursuance of Section 17 of the Industrial Dispute Act 1947 (14 of 1947) the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in

the Industrial Dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 2-1-2001.

[No. L-22012/286/99-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. ID 255/2000

Union through the State Secretary,
FCI Class-IV Employees Union,
48, Industrial Area, Phase-1,
Chandigarh

.. Workmen.

Vs.

Senior Regional Manager,
FCI, Punjab Region, Section 34-A,
Chandigarh.

.... Management.

REPRESENTATIVES:

For the workman : Shri Tapan Moitra.

For the management : None.

AWARD

Dated, 15th of November, 2000

The Central Government vide gazette notification No. L-22012/286/99/IR(CM-II) dated 7th of June, 2000 has referred the following dispute to this Tribunal for adjudication:—

"Whether the action of the Sr. Regional Manager, FCI (Punjab) Chandigarh and District Manager, FCI Chandigarh in denying the demand of FCI Class-IV Employees Union, Chandigarh for absorption of 81 Security Guards engaged by FCI in their Regional Office, Chandigarh (Punjab) and various others depot godown under District Manager, FCI, Chandigarh is just and legal? If not, to what relief these 81 security guards are entitled?"

2. Today the case was fixed for filing of claim statement on behalf of the workmen. The General Secretary of the Union appeared and made the following statement:

"A writ petition No. 5108/99 is pending in High Court of Punjab and Haryana relating to the services of the petitioners of this Industrial Disputes. The petition has been filed by us in which the names of the applicants of this case has been mentioned. Thus all the applicants has been made party in that petition. I am representing all the applicants of this industrial disputes. We do not want to proceed with this reference. The same may be returned as withdrawn."

3. In view of the above recorded statement of the rep. of the workman the present reference is returned to the Ministry as withdrawn. Appropriate Government be informed.

Chandigarh,

15-11-2000

B. L. JATAV, Presiding Officer

नई दिल्ली, 3 जनवरी, 2001

का.प्रा. 103.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अंतर्गण में, केन्द्रीय सरकार आर्टिफिशियल लाईम्ब सेंटर, पूणे के प्रबंधन के संबंध निषेधकों और उनके कर्मचारियों के बीच, अंतर्गण में

निर्दिष्ट औद्योगिक विवाद में अथ न्यायालय, पूणे के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-1-2001 को प्राप्त हुआ था।

[सं.एल-14012/41/99-आई.आर.(डी.यू.)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 3rd January, 2001

S.O. 103.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Pune, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Artificial Limb Centre, Pune and their workman, which was received by the Central Government on 2-1-2001.

[No. L-14012/41/99-IR(DU)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE SMT. S. V. SUVARNA, PRESIDING OFFICER,
II LABOUR COURT, PUNE

REF. I.D. No. 169 of 1999

The Commandant,
Artificial Limb Centre, Wanowari,
Pune-411040.

1 Party

AND

The President,
Artificial Limb Centric Employees Union,
73, Wanowri Bazar, Pune-411040.

.. II Party

CORAM : Smt. S. V. Suvarna.

APPEARANCE :

Smt. Iyer Advocate for I party.

Mr. A. N. Kulkarni Advocate for II party.

AWARD

This reference is moved to this Court by the Government of India, New Delhi under Clause (d) of Sub. Sec. (1) and Sub Sec. 2(A) of Sec. 10 of the Industrial Disputes Act 1947 (14 of 1947) for adjudication in respect of the matter specified in the Schedule hereto mentioned as under:—

SCHEDULE

"Whether the action of the management of Artificial Limb Centre, Pune in engaging Smt. Tresa Swamy, as a Composer for 18 years on a consolidated wages of Rs. 750 per month without regularising in service and thereafter terminating her services is legal and justified? If not, to what relief the said workman is entitled to?"

2. In brief the case of the second party who has raised her demand is that she has been working with the First party as a Composer for 18 years on consolidated wages of Rs. 750 p.m. and she is a workman within the meaning of Sec. 2(A) of the I.D. Act, 1947 and the activities of the Artificial Limb Centre and the Printing Press falls within the definition of 'Industry' u/s 2(j) of the I.D. Act 1947. It is also the case of the Second party that she has been continuously working with the first party and she asked for regularisation vide letter dated 6-1-98, but the Commandant, Artificial Limb Centre, Pune after reading the representation got wild and terminated her services by Order No. ALC/NT/50605/A/Reg. Emp/CE dated 20-1-1998 illegally and wrongfully. It is further submitted that during the entire service she has not received any memo or warning, but her work was appreciated by giving her certificate dt. 25-10-1982. It is also submitted that the workman has studied upto 10th Standard. She can read, write and speak english and in support of this she has filed a School Leaving Certificate, issued by the Principal, St. Joseph's Girls High School, Kannataka. The Medical Report by the Board of Medical Experts of the

REASONS

Sasoon General Hospital Pune is also filed to show that she is fit to work as Telephone Operator. It is also submitted that the workman has pointed out the order of Central Government Industrial Tribunal No. 1 Mumbai in Reference No. CGIT-1/5 of 1993 in the case of Employee where an order came to be passed by the Hon'ble High Court and the workman was regularised in service and therefore the second party is also entitled to regularise in service. It is further submitted that the judicial decision of the Supreme Court of India is the law declared by the Supreme Court and it is binding on the parties and therefore the decision of the Supreme Court equally applies to the present reference also. It is also submitted that the Artificial Limb Centre Pune has 190 bedded Hospital for amputee patient and it has work shop for manufacturing Artificial Limb and also Artificial Limb Centre's Printing Press. To carry out its functions the following categories of workmen are employed like Sweepers, Chowkidars, Messengers, Ward Boys, Mali, Mazdoor Female Nursing Asstt. Cooks, Cinema Operator etc. It is further submitted that the above categories comprises more than 140 workmen including printing press and the present workmen are representing in the works committee constituted as per Sec. 3 of the I.D. Act 1947. It is further submitted that the second party is orthopedically handicapped having reserved post in the Artificial Limb Centre as a Composer and according to Govt. of India Office Memorandum No. 39016/20/80-Estt(c) dt. 30-12-1980 she is eligible to get relaxation upto 10 years for the appointment to the post in Artificial Limb Centre. It is also submitted that she has registered her name in the Employment Exchange in the year 1980 and she was also sent to Sasoon General Hospital and she was fit for the post of Telephone Operator and accordingly she was appointed. Thus she has prayed that the order of the Commandant terminating her services should be quashed and set aside and appropriate relief should be granted to her.

3. The first party have filed their written statement at Ex. 11 and have contended that the second party was appointed temporarily as a part time employee in the Printing Press of the Artificial Limb Centre on humanitarian grounds as she is orthopedically handicapped since birth. The first party have denied that the Artificial Limb Centre falls within the definition of 'industry'. According to the first party the centre is a Hospital for rehabilitation of disabled military personnel and the press was created from out of the non-governmental funds such as Donations therefore, it is not an 'Industry' as held by the Hon. Supreme Court in AIR-1971-SC-1259. It is also the case of the first party that the second party was over age at the time of inception for Government service and she was paid monthly honorarium ranging between Rs. 160 to Rs. 750 during her part time employment. They have denied that she was illegally terminated from service. According to the first party she was only a temporary casual employee and not against any post or vacancy. In spite of knowing this, she insisted on being regularised, which was not possible as there was no post of composer vacancy and she was over age on the date of her appointment as temporary hand. She was appointed purely on humanitarian grounds, and at the time of taking in employment she was made aware. The first party has denied the other contentions in the statement of claim and submitted that the reference should be dismissed on the ground that there is no post authorised for composer. The applicant has not sponsored by the Employment Exchange and was not within the age limit prescribed for government service and she is not found fit medically for the job of Composer by the Medical Board held at Sasoon General Hospital and lastly she does not have necessary qualification for the jobs.

4. The following issues have been framed after going through the pleadings of the parties at Ex. 18.

Issues	Findings
1. Does the second party prove that the termination is illegal and improper?	Yes
2. Does the second party prove that she is entitled for the reliefs claimed?	Yes
3. What award	as below.

5. The advocate for the second party union has filed a petition at Ex. 20 stating that the union does not wish to lead any oral evidence in the above reference.

Issue No. 1.—The Central Government by its order No. 14012/41/98/IR/DU dated 16-2-99 has referred the Industrial Dispute to this Hon'ble Court for adjudication. To decide whether the action of the management of Artificial Limb Centre, Pune in engaging Smt. Tiessa Swamy for 18 years as a Composer without regularising her in service and thereafter terminating her service is legal and justified. To consider this dispute, it is first necessary to refer to the letter of termination, which is being given to the second party Smt. Tiessa Swamy due to which the cause of action has arisen. It is also settled position that once the termination letter is given the Court will have to see whether the reasons mentioned in the termination letter are proper and legal and that the action of termination is proper or not? Therefore, I am quoting below the contents of the termination letter:—

"Termination of services:—

- (1) You are hereby informed that your service as a Composer for Printing Press in this Centre is no longer required.
2. Your service will therefore be terminated w.e.f. 20-1-1998.
3. One month pay in advance is being paid to you in lieu of notice.
4. Please acknowledge receipt of the letter.

Dt : 20-1-98.

Sd/- S. K. Jain

Brig Commandant."

6. Id. Adv. A.N. Kulkarni appearing for the second party i.e. Artificial Limb Centre Employees Union on behalf of Smt. Tiessa Swamy in his synopsis of oral arguments at Ex. 30 has submitted that as per the termination letter the second party workman was working as a Composer for Printing Press and therefore when her services are terminated after putting in 18 years of service without any reason as mentioned in the termination letter, the termination is illegal and malafide. According to Mr. Kulkarni Advocate the only reason for terminating the services of the second party is that she is no longer required. This reason without any valid ground appears to be by way of a victimisation and unfair labour practice. In reply in the written synopsis filed by the first party—Artificial Limb Centre, it is contended that the Party No. 2 is a handicapped person and on account of humanitarian grounds, she was engaged on casual day to day basis in the Printing Press, which is run with the said regimental funds and that on the date of joining i.e. 9-2-1980 as per the School Leaving Certificate produced by the second party—Smt. Tiessa Swamy she was over aged to be employed in any post, in the said post be older than 28 years and she is also not otherwise qualified for the said job being a non-matric. Secondly, only the persons sponsored by the Employment Exchange are employed in Printing Press and Mrs. Swamy has not come from Employment Exchange as she has got herself registered after joining the Printing Press. Circular of the Ministry of Home Affairs Deptt. dated 9-2-81 is relied upon by them to show that of the post reserved for physically handicapped should be filled in through Employment Exchange. It is also contended that there is no post of Composer. It is also submitted in the written synopsis by the first party that the report of the medical board is dated 21-8-81 and the second party joined prior to that and the medical report states that a second party is fit for Telephone operator or Assembly Line Job only and therefore she is not entitled to take undue advantage of the letter issued to her by the then Commandant. Therefore, the action in terminating her services is legal valid and binding on the employer.

7. Before I proceed to consider the submissions of both the parties in their written synopsis, I cannot traverse beyond the pleadings of the parties. In the statement of claim the case of the workman is that she has been appointed by the Commandant, Artificial Limb Centre on 9-2-1980 and she was working under the supervision and control of the

Commandant Artificial Limb Centre for more than 18 years. She has also pleaded that on 6-1-90 she made representation to the Commandant for regularisation or service and for grant of appropriate pay scale and with a request to consider her case favourably. However, the management after reading her representation got wild and terminated her services. She has also pleaded that one Mr. Surikani Fulpagar was working in the Artificial Limb Centre, Printing Press and he has been regularised according to the verdict of the Central Government, Industrial Tribunal and the present workman also appears to same category and working since 1980. She has also pleaded that during her service period she has not received any memo or warning and her work was appreciated and she was issued a certificate dt. 25-10-1982. She has studied upto 10th Standard. She has also pleaded that the Sasoon General Hospital has declared her fit to do Telephone Operator Job and assembly line job. She has also relied upon the judgement of the Honble High Court in W.P. No. 402 of 96 and further pleaded that the Artificial Limb Centre has 190 bedded hospital for amputee patient and work shop and also Artificial Limb Centre Printing Press to carry out its function. The various workmen are employed full time such as sweepers, chowkidar, Majdoor etc. It is also pleaded that the second party is orthopedically, 8 handicapped having received the post in Artificial Limb Centre as a Composer and according to Government of India memorandum dated 30-12-80 she is entitled to get relaxation of age upto 10 years and her name is also registered with the employment exchange in the year 1980 and she is also medically fit for work and accordingly she was appointed and therefore the complainant's case is that her termination is illegal and she has continuously worked for 18 years and there was no reason for terminating her services.

In reply the case of the first party is that the Artificial Limb Centre is not an 'industry' within the meaning of Section 2(3) of the I.D. Act. With regard to this jurisdiction point except the pleadings there is no evidence brought on record by the first party to put the first party out of the definition of 'industry'. In the written synopsis filed by the first party, they have not taken up this argument. Secondly, in view of the Bangalore Water Supply case where there is a systematic activity and the relationship of an employer-employee exist the first party will fall within the definition of 'industry'. Therefore this preliminary contention is over ruled. The second contention in the written statement is that the concerned workman was over aged at the time of joining the service and she was only temporary casual employee and not against any post or vacancy and despite nothing. This was insisted for regularisation which was not possible as there was no post of Composer or vacancy and as she was over aged and she was appointed purely on humanitarian ground and that she has not come from Employment Exchange. The first party in the W.S. has stated that the case of Mr. Fulpagar is not applicable to the case of the second party concerned as he was medically fit and he was within the age limit. It is further pleaded that there is no post of Composer in the Printing Press. It is further submitted that as per the medical certificate of Sasoon General Hospital the second party was fit for Telephone Operator and Assembly Line job. In the last para of the W.S. the first party has stated that the claim and the application of the second party Ms. Tresa Swamy should be dismissed on the following grounds:—

- (a) There is no post authorised for 'Composer'.
- (b) The name of applicant (Ms. Tresa Swamy) had not been sponsored by the Employment Exchange.
- (c) She was not within the Age Limit prescribed for Government service at the time of appointment.
- (d) She is not found fit medically for the job of Composer by the Medical Board held at Sasoon General Hospital.
- (e) She does not have the necessary qualification for the said job.

Therefore considering the above grounds and the reasons mentioned in the letter of termination it appears to me that the first party has developed new case and brought out various new reasons for terminating the services of the second party by way of an after thought in their written state-

ment. If the letter of termination and the W.S. are read together, I find that the reasons are differing. Letter of termination says that the second party's services are terminated as her services as a Composer for Printing Press is no longer required. The letter of termination does not set out the various reasons pleaded in the W.S. at para-12a, b, c, d and e set out above.

3. I d. Adv. Kulkarni in his written submission has categorically mentioned that the letter of termination itself mentions that she was working as a Composer in Printing Press in the Artificial Limb Centre and before terminating her services she was not medically examined. He also referred to the evidence of the management witness who has admitted that Smt. Tresa Swamy was working in the Printing Press. Therefore the contention of the first party in their written synopsis that since the medical certificate issued by the Sasoon Hospital certified the second party fit to work as a Telephone Operator or Assembly Line job only, is not correct because when the management witness is confirming the appointment of the second party in the Printing Press the submission of the advocate for the first party that the appointment of the second party was not made in the Printing Press, but she was only fit to work as a Telephone Operator or Assembly Line job is not acceptable and the submissions made in the written synopsis at para-7 are not correct. Considering the evidence of the management witness Mr. Bajawa and his admission that Smt. Tresa Swamy was working in the Printing Press run by the first party union the witness has tried to improve upon his evidence by saying that Smt. Swamy was helping in the press and she was not appointed in a particular post. Mr. Bajawa also stated that Smt. Swamy was over aged at the time of joining for regular employment and she did not come from Employment Exchange. She was not physically fit for employment. She is handicapped in upper limb and she cannot employed as a Composer i.e. handicapped. He has also clarified that she was employed to help out on humanitarian grounds and she cannot be taken back in employment on the post as there is no such post. On going through the W.S. filed by the first party and on going through the evidence given by the witness of the first party I find that there are lot of contradictions and the W.S. is very vague. It does not mention what work the second party was exactly doing. In the W.S. it is merely mentioned that second party was employed on part time. She was a temporary casual employee and there was no post of Composer of vacancy. It has also been mentioned in para-4 of the W.S. that she has been appointed purely on humanitarian grounds. In the entire W.S. it has no where been mentioned that what particular kind of work the second party was doing whereas in the evidence the management witness has confirmed that Smt. Tresa Swamy was working in the Printing Press and according to this witness she was only helping in the press and she was not employed as a Composer. In the cross examination the witness admits that the second party was working in the Printing Press but denied the suggestion that she was giving composing work. But, he has also admitted that the press is working till today. The witness further admitted after looking to the document at Sr. No. 3 of Ex. 8 that the second party was fit for working as a Telephone Operator or Assembly Line job. Therefore, on going through the averments in the W.S. and the deposition of the management witness one thing has been made clear that there was a unit in the first party i.e. Printing Press. The only controversy which requires to be looked into in this case is whether the second party was doing the work of a Composer because the W.S. filed by the first party in para-12(A) says that there is no post authorised for Composer. It is pertinent to note that the termination letter issued to the workman clearly mentions that her service as a Composer for the Printing Press is no longer required. This letter has been issued by S. K. Jain, Brig. Commandant of the first party. Secondly, there is also one document issued to the second party by the office of the first party signed by Brig. I. C. Narang Professor of Orthopedics (ARMC) Commandant Artificial Limb Centre dt. 25-10-1982 where it has been clearly mentioned that the second party has joined the Printing Press Composing Section in 1980. Therefore these two documents, which are filed on record by the second party proves that the second party was working in the Composition Section as a Composer. As these documents are given by the Brigadier Commandant of the first party and these documents are not denied by the

first party their only contention in the written statement is that the applicant was given employment on humanitarian grounds and the management witness in the cross examination has stated that the Commandant Artificial Limb Centre appointed her. He has also stated that although there was no post but she was working. Quoted below is the statement of the management witness Mr. Bajawa:—

"The Commandant Artificial Limb Centre appointed her. It is true that there was no post, but she was working."

It can also be seen from the pleadings in the application at para-8 that the second party has specifically pleaded that she has been issued a certificate by the Commandant dt. 25-10-1982 appreciating her work. In the written statement the first party denied the issuance of this certificate at para-9 and they have merely answered the said pleadings as under:—

"The certificate mentioned in para-8 was given in favour of the applicant/party No. 2 in order to help her secure employment elsewhere and at her request it may be noted that it has been issued in 1982."

Therefore from this reply, it can be seen that there is no denial about the issuance of the said certificate. Therefore the contents of the said certificate are required to be considered by this Court for drawing the conclusion that the second party though physically handicapped she joined the Printing Press in the Composing Section in 1980 and her work was good therefore, in view of the reasons mentioned in the termination letter and the contents of the certificate clearly go to show that there was work of composer in the first party and that the second party was working in the Printing Press about which there is no dispute. The first party have failed to bring any cogent evidence before the Court to move that the second party was helping in the Printing Press and not doing any composing work. They have not examined any co-worker to prove that the work of the second party was only to help in the Printing Press. On the other hand the termination letter and the certificate given by the first party support the case of the second party that she was working as a composer in the Printing Press. Hence the first contention of the first party that the application should be dismissed as there is no post authorised for Composer requires to be rejected. It is pertinent to note that after the pleadments have been over the first party has produced before the court the list of various categories and the post in the first party to show that there was no post of Composer. It is pertinent to note that the management witness himself has stated that the second party was working in the Printing Press and he has also stated that although there was no post, yet the second party was doing the work. Therefore considering the statement on record since there is a Printing Press there is bound to be composition, work and a Composer is required to work in Printing Press. Therefore in the facts and circumstances of the case as the termination letter and the certificate given by the Commandant Artificial Limb Centre clearly mentioned that the second party was working as a Composer, these documents which are produced on record do not help the case of the first party that there was no post authorised for composer.

8. Coming to the second contention of the first party that the second party has not been sponsored by the Employment Exchange and hence her appointment is not legal and therefore the first party is not required to follow the provision of law. In that respect, Id. Adv. Kulkarni has submitted that the workman has produced on record of the Court the Employment Exchange Registration letter at Sr. No. 3 with Ex. 8 issued in the year 1981 and the second party had registered herself with the Employment Exchange and Mr. Kulkarni Adv. also relied upon the following two instruments in support of his argument that even otherwise Employment Exchange Act 1949 is not applicable in the present case because what is contemplated in the said Act is the management has to notify the vacancies and call for the list of candidates and it is also not necessary that the management is bound to select the candidate from the list but the management can select any outsider. To support this submission the judgement of M.P. HC reported in 1999-1 IIN-P-1016 is relied where it has been held that,

"The Act does not oblige any employer to employ those persons only who have been sponsored by the Employment Exchange locally or outside."

The next judgement of the Hon. S.C. reported in 1997-1 LLJ. page 567, Full Bench, where it has been held that—

"Selection of candidates should be restricted to the candidates sponsored by the Employment Exchange alone.....department or undertaking or establishment should call for the names by publication in news papers having wider circulation and also display on their office notice boards or announce on radio, television and employment news bulletins and then consider the cases of all the candidates for appointment to posts under State—Such procedure would be fair and would satisfy "test of equality of opportunity". Therefore in view of the documents filed on record by the second party employee at Sr. No. 3 of the list at Ex. 8, it is prima facie established that she had applied for the Employment Exchange and she registered herself as per the proforma filed with Ex. 8 and in view of the judgement of the Hon. Supreme Court the contention of the first party that since she has not been recruited through the Employment Exchange her appointment was not proper, cannot be accepted and further it also needs to be mentioned here that the first party has allowed the second party to remain in employment for more than 18 years. This itself shows that they had waived the condition for sponsorship by the Employment Exchange in the case of the second party-workman. The third condition for dismissing the application is that the second party was not within the age limit prescribed for Government service and she was not found fit medically for the job of Composer by the Medical Board held at the Sassoon General Hospital. These 2 conditions are also not proved by the first party because the second party has relied upon the rules of the Government alongwith list Ex. 8 at Sr. No. 4 for the handicapped persons and as per this rule of the Government the physically handicapped persons are entitled to relaxation of upper age limit upto 10 years for the purpose of appointment to Group 'C' and 'D' posts. As per the date of birth mentioned in the School leaving Certificate the second party was borne in December 1949 therefore on the date of her appointment in service with the first party in 1980 here age at that relevant time was 31 years. The first party in their written statement have not mentioned the required age for the appointment of the second party and the burden was on the first party to prove what was the right age fixed by the Government to get employment with the first party at the relevant time. Since the first party has come up with the contention in their written statement that she was not within the age limit it was for the first party to discharge the burden and in that respect Id. Adv. Kulkarni has submitted in his written submission that as per the deposition of the management witness that she was over aged at the time of joining for regular employment is a bold lie and it is also submitted that there is difference between pleadings and proof and nothing has been moved by the management. It is further submitted in the written arguments that the date of birth of the workman is 31-12-1949, which means her age is 51 years as on today and she can continue till the age of 60 years. Therefore, considering the submissions of Id. Adv. Kulkarni and since the first party has not discharged his burden of proving that the second party was over aged at the time of inception for Government service they have also not disputed the Government Rules produced on record by the second party to show that relaxation of 10 years in age is given to the candidate, who are physically handicapped and the pleadings at para-13 regarding observations by Hon. Supreme Court are not denied or disputed in the written statement. Therefore the contention of the first party that she was not within the age limit and therefore she was not qualified for service and as this ground is also not proved therefore the application cannot

be dismissed on account of the contention of the first party in Clause 12(c) of the W.S. that the second party was over aged."

Coming to the next ground Clause 12-D in the written statement where it has been mentioned that the claim application should be dismissed on the ground that the second party was not fit medically for the post of Composer by the Medical Board held at Sasoon General Hospital and she does not have necessary qualification for the said job as per Clause 12-E, both these grounds are taken together as they both dealt with the qualification for doing the job of Composer and the experience. It is pertinent to note that the first party has not brought any evidence on record to show that the second party became medically unfit today for the job of Composer. They have also not brought any independent evidence before the Court setting out the qualification or Composer as it is the case of the first party that she is not fit medically for the job of Composer and she does not have necessary qualification, the burden was on the first party to discharge the said contention. The management witness who is examined before the Court in respect of unfitness of the second party has deposed that the second party cannot be employed as a Composer with her handicapped in upper limb. The witness has not stated anything in the chief examination about the qualification, which are required for the appointment of a Composer. In the cross-examination the management witness admitted that they have not made recent medical examination before terminating second party's services. He has also admitted in the cross-examination that he cannot say anything about the qualification required for the job as there is no post. From the statements on record, it can be inferred that before terminating the services of the second party on the ground that she was not fit medically for the job of Composer has not been proved. This is evident from the evidence of the management witness and in my view without obtaining the opinion of a person duly qualified to see whether the personal was physically fit or unfit for work the management should not have come to the conclusion that the second party is not fit medically. The management must give reasons for their view that the second party is not fit medically for the job of Composer because they must set forth the observed data and then inference must be drawn based on such observation. Ld. Adv. Iyer, in her written synopsis has submitted that the medical board of Sasoon General Hospital has certified that she can work as a Telephone Operator or Assembly line job. Therefore the second party was not fit to work as a Composer. However, this Court cannot over look the letter of termination and the service certificate produced on record by the workman, which clearly mentions that the second party was doing the work of Composer in the Printing Press. Therefore, although the Sasoon General Hospital certificate has stated that she could do the work of Telephone Operator but the management witness admitted in the Chief Examination that there was no post, but she was working. Which means that, although the work of telephone operator was not being done by the second party, she was doing the work of Composer for all these 18 years and the management witness has also stated that she was working in the Printing Press, she was only helping. Apart from this statement there is no other evidence brought on record to show that second party was doing only helping work in the Printing Press. Whereas the documents of the first party i.e. termination letter and the certificate of service mentions that the second party was doing work of Composer. So therefore this is a contradictory statement, which is against the documents produced of the first party which urges me to discard the oral evidence given by the management witness and except the documents viz termination letter and the service certificate to hold that the second party was doing Composer work and that she was fit to do the work as the management failed to satisfy the Court how they have formed the opinion that the second party was not fit medically for the job of Composer.

Therefore on consideration of the facts of the present case, the contention of the first party that there was no post authorised for Composer and that the second party was not fit medically to do the work of Composer, requires to be rejected and the contention of the first party is malafide because the document viz termination letter and the service certificate given by the officer of the first party shows that the second party was doing the work of Composer and the contention in the W.S. are taken only with an intention to

defeat the claim of the second party. Therefore, I have come to the conclusion that the termination of services of the second party-workman is illegal and malafide and therefore the second party-Smt. Tresa Swamy is entitled to all the reliefs claimed in the application because as the employee has put in 18 years continuous service and thereafter her services are terminated illegally and today it will be very difficult for her to get employment with her handicaps and she has gained sufficient experience while working with the first party therefore the service of the second party requires to be protected against the wrongful dismissal and so the normal rule is of reinstatement on her original post with immediate effect and with full backwages on the basis of her last drawn salary. Accordingly, I am inclined to allow the reference and pass the following award.

AWARD

(1) The reference is allowed.

(2) The first party is directed to reinstate the second party-workman Smt. Tresa Swamy on her original post and give her full backwages on the basis of her last drawn wages with continuity of service.

SMT. S. V. SUVARNA, Presiding Officer

Date : 14-11-2000

नई दिल्ली, 4 जनवरी, 2001

का.आ. 104. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोल इंडिया लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक अधिकरण/श्रम न्यायालय, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2001 को प्राप्त हुआ था।

[सं. एल-22012/452/96-आई.आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th January, 2001

S.O. 104.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Calcutta, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Coal India Ltd. and their workman, which was received by the Central Government on 3-1-2001.

[No. L-22012/452/96-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 36 of 1997

PARTIES :

Employers in relation to the management of Dankuni Coal Complex

AND

Their Workmen.

PRESENT :

Mr. Justice B. P. Sharma, Presiding Officer.

APPEARANCE:

On behalf of Management.—Mr. K. Bandopadhyaya, Advocate with Mr. S. Mukherjee, Advocate.

On behalf of Workmen.—Mr. A. Bhadury, representative of the Union.

STATE : West Bengal. INDUSTRY : Coal.

AWARD

By Order No. L-22012/452/96-IR(C.II) dated 29-8-1997 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication.

“Whether the action of the management of Dankuni Coal Complex of Coal India Limited in fixing the pay of Shri Ram Chandra Makal in Tech. Grade ‘F’ less than his junior Shri Partha Das is legal and justified? If not, to what relief is Shri Makal entitled and from which date?”

2. The matter under reference is very simple. The effected workman Shri Ram Chandra Makal raised a grievance that his pay was fixed at a lower stage than another workman, Shri Partha Das, though the said Partha Das was junior to him. When the matter could not be settled by representation to the management by the union and also during conciliation proceeding before the Labour Commissioner, it has been referred to this Tribunal. The question to be decided is whether the action of the Dankuni Coal Complex in fixing the pay of the effected workman Ram Chandra Makal, at a lower stage than that of Partha Das is legal and justified.

3. The facts of the case are admitted. The Dankuni Coal Complex (D.C.C. in short) is a subsidiary Company of Coal India Ltd., in short, known as C.I.L. and it is a factory within the definition of the Industrial Disputes Act, 1947. It is also admitted that the employees of the Company are governed by the National Coal Wage Agreement, in short, NCWA and at the material point of time NCWA-III was in force. There are some bipartite and tripartite settlements from time to time between the Company and its employees and these settlements confer certain facilities, privileges and benefits to the employees. The union which sponsors the cause of the effected workman was established in 1985. The concerned workman was appointed on 2-3-1988 as Operator—IV (Topman) in the T & SR in the scale of Rs. 1050-27-1428. In 1989 he got an increment and his pay was fixed at Rs. 1077. Thereafter, an internal advertisement was made asking for the options of the persons of this grade to be absorbed in Grade-‘F’. He was then in Grade-‘G’. The concerned workman applied for the same. He was also interviewed and was selected for appointment in the higher grade with effect from 14-2-1990 in the scale of pay of Rs. 1075-30-1495. Since his basic pay was Rs. 1077 at the time of promotion, his next pay was fixed at Rs. 1105 and after getting an increment of Rs. 30,

his pay was fixed at Rs. 1135 in 1991. On the other hand, the said Partha Das joined on 21-3-1988 as Operator-IV (Bottom man) in the scale of Rs. 1050-27-1428. However, the nature of job of both the concerned workman and Partha Das were same, though nomenclature were different. However, the pay of Shri Das was fixed at Rs. 1050 on the date of his appointment and he got one increment in 1989 and his basic pay became Rs. 1077. Accordingly, in the next year i.e. in the year 1990 his basic pay came to be Rs. 1104 and it became Rs. 1131 in 1991. Then he was promoted to Grade-F with effect from 9-4-1991 and his basic pay was fixed accordingly at Rs. 1165. The grievance of the concerned workman is that though he was getting Rs. 1135 in the year 91, a person junior to him, namely, Partha Das was getting Rs. 1165. It has been contended on behalf of the workman that since the nature of job of both the persons was the same, they were entitled to the same pay and similar treatment and there has been discrimination in fixation of pay of the concerned workman by keeping him at a lower stage in the matter of fixation of pay than the person junior to him. The matter was accordingly raised and the dispute arose.

4. Facts are not being denied and challenged by the management, but, it has been contended on behalf of the management that at the time when the concerned workman Ram Chandra Makal opted for Grade-F, the said workman Partha Das did not opt and he remained in the same grade. So, according to the principle of fixation on his promotion, his pay was fixed. But, subsequently the said Partha Das was also considered for promotion in regular course to Grade-F and at that time since his pay was higher, his pay was fixed at a higher level and it is only because of the system of fixation of pay that the anomaly has taken place. Therefore, the management denies that there is no matter of discrimination or anything unfair has been done by the management so far as the concerned workman is concerned.

5. Evidence, oral as well as documentary has been laid by both the parties. The documents, are also practically unchallenged. So far as Ext. W-1 is concerned, it is minutes of the meeting held on different dates between the management of D.C.C. and D.C.C. Employees’ Union concluded on 11-1-1994. From this paper it appears that at Serial No. 9 the case of the concerned workman had been discussed and it appears that the management of D.C.C. had recommended the case of the concerned workman to the Head Quarters of C.I.L. for favourable consideration. But the proposal did not find favour with the Head Quarters of the C.I.L. and it was turned down. Ext. W-2 is a paper which lays down the principles of fixation of pay of the employees. Ext. W-3 is the copy of an order of the Hon’ble High Court at Calcutta dated 29th August, 1990 in case of Prafulla Prakash Chowdhury and Ors., V. State of West Bengal and Ors. Similar matter arose there and it was held by the Hon’ble High Court that the pay of a senior, if fixed at a stage less than junior, should be compensated. Ext. W-4 is the representation of the effected workman to the General Manager regarding anomaly in his pay and Ext. W-5 is also a similar letter dated 16-12-1991. On the other hand, Ext. M-1 is the

appointment letter of Partha Das. Ext. M-2 is the appointment letter of the concerned workman, Ram Chandra Makal. Ext. M-3 is the chart showing the date of appointment, basic pay and date of increment of the concerned workman and others. Ext. M-4 is the order of promotion of Shri Partha Das to Grade-F. Ext. M-5 is the chart giving details of the fixation of pay and date of next increment. Ext. M-6 is a letter issued by D.C.C. under C.I.L. regarding selection and placement through interview on high posts in which detailed chart of the promoted persons is attached which finds the name of the concerned workman also and it appears that his promotion was effected on 14-2-1990.

6. The union examined the concerned workman as WW-1 and Anup Ghosh, General Secretary of the union as WW-2. On the other hand, the management examined Sukhendu Bikash Das Mahapatra, Personnel Manager of D.C.C., as its sole witness. So far as the witnesses for the union are concerned, they have simply stated facts as stated above and have raised a grievance that the concerned workman had joined earlier in the same grade in which Partha Das joined later. The concerned workman was senior to Partha Das and the Grade-F to which both of them were subsequently promoted is also the same grade having same nature of work, the pay fixed in favour of the concerned workman should not have been less than Partha Das. The witness for the management has also admitted all these facts and has stated that the pay of the concerned workman was fixed as per rules governing selection, while the case of Partha Das was considered by fixing his pay in terms of the promotional policy. Therefore, according to him there was no discrimination, nor anything illegal was done. However, this witness admitted in his cross-examination that the nature of work of both the workmen happen to be the same and it has also been stated that subsequently both the posts of Topman and Bottomman have been merged in the same cadre.

7 In this context it has been submitted on behalf of the union that since both the workmen concerned, i.e., Ram Chandra Makal and Partha Das were appointed in the same grade and since Ram Chandra Makal was senior to Partha Das in the matter of joining, it appears to be unfair that his pay has been fixed at a lower stage than that of Partha Das. However, it has been contended on behalf of the management that the comparative chart attached with their written statement will clearly show that there has been neither any unfair treatment, nor any illegality in fixing the pay of both the workmen by the Company. It has been pointed out that it is true that both the persons were appointed as Operator-IV in Technical Grade-G, but the cadres were different as the concerned workman, Ram Chandra Makal was appointed in Grade-G as Operator-IV Topman, while Partha Das was appointed in Technical Grade-G as Operator-IV Bottomman. It has been pointed out that originally both the persons were in the same scale i.e. Rs. 1050-27-1428 and the basic pay of the concerned workman, Ram Chandra Makal on 2-3-1988 was Rs. 1050. His next date of increment was 1-3-1989 and on that date his pay was fixed at Rs. 1077. His second date of increment happened to be on 1-3-1990, but, in the

meanwhile he opted for appointment to Operator-III Bottomman in Technical Grade-F in the scale of Rs. 1075-30-1495 and he was found fit and was appointed in Technical Grade-F with effect from 14-2-1990 and on the basis of his basic pay of Rs. 1077, his pay was fixed at Rs. 1105. The next date of his increment now became 1-2-1991 and on that date his pay was fixed at Rs. 1135. On the other hand, Partha Das was appointed and his basic pay was fixed at Rs. 1050 and his next date of increment was 1-4-1989 when his basic pay became Rs. 1077. His next increment date was 1-4-1990 on which date his basic pay became Rs. 1104. Thereafter, the next date of increment being 1-4-1991, his basic pay became Rs. 1131. Then he was promoted to the post of Bottomman, Operator-III in Technical Grade-F on 9-4-1991 and on the basis of his basic pay of Rs. 1131 his pay was fixed at Rs. 1165 in the scale of Rs. 1075-30-1495. It is, therefore, contended on behalf of the management that actually neither anything unfair has been done to the concerned workman Ram Chandra Makal, nor any favour has been shown to Partha Das; Rather, it is a kind of peculiar situation in which both the persons were promoted to the higher grade that there has been difference in the matter of pay. It has been pointed out on behalf of the management that though the management was sympathetic to the concerned workman and recommended for consideration to the Head Quarters of C.I.L., his case was turned down and therefore the concerned workman has no right to claim parity in the pay with Partha Das and it cannot be treated as an industrial dispute.

8. On behalf of the workman it has been contended that this principle has been laid down by the various High Courts and also by the Hon'ble Supreme Court that there should be equal pay for equal work. Two cases have been cited in this connection. The first case is of *Dhirendra Chamoli & Anr. v. State of U.P.*, reported in 1986-1-LLJ-134. In this case their Lordships of the Hon'ble Supreme Court have held that the employees engaged as casual workers on daily wage basis who were not getting similar pay as Class-IV employees of the management were entitled to the same pay as they were doing the same kind of work. Another case is *P. Savita & Ors. v. Union of India & Ors.*, reported in 1986-1-LLJ-79. In this case their Lordships of the Hon'ble Supreme Court held that bifurcation of a particular cadre in two cadres and fixing the pay of one cadre at a higher scale than another was illegal and improper. In this view of the matter, it has been submitted on behalf of the union that since both the workmen are in the same grade and were discharging same kind duties, fixation of pay of the concerned workman, Ram Chandra Makal at a lower stage than that of Partha Das, a junior to him, was improper and illegal and therefore the reference should be decided in favour of the workman.

9 On the other hand, it has been submitted on behalf of the management that the principle of equal pay for equal work as laid down by their Lordships of the Hon'ble Supreme Court do not apply on the present case, because scale of pay of both the workmen is the same and considering the similar nature of work of both the cadres they have been merged into one, but the fixation of pay of the concerned

workman is not arbitrary or discriminatory. Rather, it is on the basis of the policy of fixation of pay on promotion. It has been submitted that since the concerned workman Ram Chandra Makal opted for his promotion by applying in an internal advertisement, his pay on the higher post was fixed on the basis of stage of pay on which he was on that date and his next date of increment had not then arrived. On the other hand, Shri Das was promoted in due course subsequently and his pay was fixed in the higher scale on the basis of the pay he was getting in the lower scale on that date. Therefore, it is submitted that there is no question of any illegality or impropriety in fixation of pay of the concerned workman by the management. Further, it has been submitted that the matter could relate to the principle of equity and equality and a Tribunal being not a court of equity, the matter cannot be decided on this principle before this Tribunal. In this regard a decision of Full Bench of Central Administrative Tribunal at Hyderabad has been produced in which a similar matter arose and the reference was made to the Full Bench. The Full Bench decided the matter after considering several decisions in this regard that the Tribunal having no power to adjudicate on the basis of equity, the matter cannot be decided on this basis. It has been pointed out that the Full Bench of the Administrative Tribunal has very clearly decided in the case under reference, namely, B. L. Somayajulu & Ors. v. Telecom Commission & Ors., reported in (1997) 35 Administrative Tribunal Cases 26(FB) that there may be variety of cases where disparity arise due to special circumstances or even due to error. So, these have to be viewed with reference to the facts of the case and it has been held by the Full Bench that disparity in fixation of pay can be challenged only in the circumstance where there is provision of law in that behalf and on the basis of legal right and not on pervasive notion of equity and equality.

10. It is, therefore, clear that though the concerned workman might have a case on the basis of principle of equity, within scope of this reference, there is no question of his grievance being redressed by this Tribunal. The claim of the workman, therefore, has to be rejected and accordingly the reference is decided in terms that the action of the management of Dankuni Coal Complex of Coal India Ltd. in fixing the pay of Ram Chandra Makal in Technical Grade-F is neither illegal, nor unjustified.

11. The reference accordingly stands disposed of.

B. P. SHARMA, Presiding Officer

Dated, Calcutta,

The 7th December, 2000.

नई दिल्ली, 4 जनवरी, 2001

का.आ. 105:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय

जबलपुर के पंचाट को प्रकृति करती है, जो केन्द्रीय सरकार को 3-1-2001 को प्राप्त हुआ।

[सं.एल.-22012/112/2/91-IR (C-II)]

एन. पी. कसावन, डेस्क ऑफिस

New Delhi, the 4th January, 2001

S.O. 105.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 3-1-2001.

[No. L-22012/112/2/91-IR (C-II)
N. P. KESAVAN, Desk Office

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

Case No. R/137/91

Ku. Gauri Iyer,
C/o Shri P. V. Mahalingam
Rohinipuram Colony,
Post R.S.U.,
Raipur.

—Applicant

Versus

The District Manager,
Food Corporation of India,
Engg. Wing,
Raipur.

—Non-applicant

AWARD

Passed on this 11th day of December, 2000

1. The Government of India, Ministry of Labour vide order No. L-22012/112/2/91-IR C.II dt. 29-7-99 has referred the following dispute for adjudication by this tribunal,—

“Whether the action of the management Food Corporation of India District Office Kapa Raipur (MP) in terminating the services of Ku. Gauri Iyer Job typist w.e 2-7-89 is legal and justified? If not, what relief the workman is entitled to?”

2. The case for the workman is that on 25-9-88 she was appointed as job typist by the management on verbal orders. She continuously worked for years, 9 months and 7 days. Her services were terminated orally by the management on 2-7-89. She was regularly doing the typing work in the office of the management on the office typewriter itself. On terminating her services, no notice was given her by the management. She has also not been given any retrenchment compensation by the management. In this way, the management has failed to conform with the provisions of Sec-25-F (a) and (b) of

Industrial Dispute Act, 1947. In view of this fact, the termination of workman from service is illegal which deserves to be set-aside. The workman is entitled to the regularisation in service with all consequential benefits.

3. The case for the management is that the workman was never employed as job typist by the management. The relationship of master and servant never existed between the parties. The workman was running typing institute of her own and therefore typing work was given to her by the management at the rate mentioned hereinafter—

- (a) For typing statements, 0.85 paise per copy schedules and stencils.
- (b) For letters, telegram 0.60 paise per copy etc.

4. The entire typing work given to her, was done by the workman in her own typing institute for which she was submitting bills and the payment was made to her by the FCI as per this bill. She never worked in the office of FCI nor any fixed hours of duty were allotted to her. She was neither given the benefit of any leave nor she ever applied for any leave. In this way the workman cannot be said to be an employee of FCI.

5. The management further alleges that for the appointment of class-III employee, the recruitment rules had to be followed. The vacancies are notified and the applications are invited for the same. The names are also sponsored by the employment exchange. In the present case, no such formality was followed. At the same time, the District Manager has no authority to appoint any class III employee. Such appointment is done only by the Regional Manager at Bhopal. In view of all these facts, the workman is not entitled to get any employment as claimed by her.

6. The points for determination in the case are as under.

- 1. Whether the workman is entitled to employment as claimed by her?
- 2. Relief and costs?

7. Point No. 1.—The workman contents that she was employed by the FCI on the basis of verbal orders. She has not deposed anywhere in her statement that she was getting a fixed amount of salary or on the basis of daily wages prescribed by the management. Her name was never sponsored through the Employment Exchange. She has not been able to establish that her appointment was done by the competent Authority of FCI after complying with the mandatory provisions of recruitment rules. According to her, she was employed as job typist. For the appointment to this job, the recruitment rules must be followed. In no office on the basis of verbal order, any appointment of Class III employee is done as alleged by the workman. The employment can be effected only by way of written order which should be issued by the competent authority. In this case, no such formality has been observed. The workman has tried to get the employment through back door entry which cannot be allowed under law.

8. The workman has filed the bills submitted by her to the management regarding typing work done by her on the basis of prescribed rate. She had been paid the typing charges by the management as well. These bills will not go to prove that the workman was appointed as job typist by the FCI. It can only be presumed that she had done the typing job privately for which the prescribed remuneration was paid to her. Such payment will not create any right to the workman for getting employment in the office of FCI. This is nothing but an attempt to get the employment through back door entry which is highly improper.

9. In view of the foregoing reasons, it becomes abundantly clear that the workman was never appointed by the FCI as job typist to carry on the typing work in the office as an employee hence she is not entitled to get any employment in the FCI as claimed by her. Point No. 1 is answered accordingly.

10. Point No. 2.—In view of my finding given on point No. 1, the workman is not entitled to any relief as claimed in the present case as no employer-employee relationship exists between the parties.

11. On the reasons stated above, it is held that the workman is not entitled to any relief as claimed by her. The reference is accordingly answered in the favour of the management and against the workman. Parties shall bear their own cost.

12. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAJ, Presiding Officer.

नई दिल्ली, 4 जनवरी, 2001

का. भा. 106.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजनगर ओपनकास्ट प्रोजेक्ट ऑफ एस. ई. सी. एल. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2001 को प्राप्त हुआ था।

[सं. एल-22012/231/96-आई आर (सी-II)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th January, 2001

S.O. 106.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Rajnagar Open Cast Project of SECL and their workman, which was received by the Central Government on 3-1-2001.

[No. L-22012/231/96-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

Case No. CGIT|LC|R|34|96

Presiding Officer : Shri K. M. Rai.

Shri N. R. Malik,
C/O B. M. Singh,
Vice President,
N.C.W.F.
Post Rajnagar Colliery,
Distt. Shahdol.

—Applicant

Versus

The Sub-Area Manager,
Rajnagar Open Cast Project,
Post Dola,
Distt. Shahdol.

—Non-applicant.

AWARD

Passed on this 12th day of December, 2000

1. The Government of India, Ministry of Labour vide order No. L-22012|231|96-IR(C-II), dated 30-1-96 has referred the following dispute for adjudication by this tribunal—

“Whether the action of the Agent|Sub-Area Manager, Rajnagar Opencast Project of SECL Hasdeo Area in dismissing Shri N. R. Malik electrical supervisor, Grade-A Rajnagar Opencast Project w.e.f. 1-10-94 is legal and justified? If not, what relief the workman is entitled to?”

2. The case for the workman is that he was working as electrical supervisor in the employment of SECL. His duty was of supervisory nature. He was drawing salary at the rate of more than Rs. 1600 per month. He was served with a chargesheet dated 3-6-94 for committing alleged misconduct. He replied to the chargesheet on 12-6-94. The Departmental Enquiry was conducted against him and Shri B. N. Tripathi was appointed as Enquiry Officer vide order dated 25-26/6/93. The charges levelled against him were false and concerned. The DE for the alleged misconduct was initiated by the management against the workman with an ulterior motive to punish him by throwing out of the employment. The action of the management was malafide.

3. The workman further alleges that he had engaged Shri Sudevan, President of MP Shramik Koyla Sabha|Sangh to defend him during the enquiry proceedings. Shri Sudevan was to attend the meeting at Bhopal on 15-7-94 and therefore the workman had sought an adjournment in the Departmental Enquiry requesting to fix the next date of hearing after 20-7-94. The Enquiry Officer never looked into the request and proceeded exparte against him. The sufficient opportunity was not given to him to defend himself during the enquiry proceedings. Ultimately the order of dismissal dt. 1-10-94 was passed against him. The Enquiry Officer had exonerated him from all charges but the Disciplinary Authority without giving any opportunity of hearing

him personally he disagreed with the finding of enquiry officer and passed the impugned dismissal order on 1-10-94 which is absolutely illegal. He preferred an appeal against the order of dismissal but to no effect. The dismissal order was passed without assigning any cogent reasons. In view of all these facts, the dismissal order deserves to be set aside. The workman is entitled to reinstatement with back wages and other consequential monetary benefits.

4. The case for the management is that during the Disciplinary Enquiry, the Enquiry Officer had given the ample opportunity to the workmen for engaging the co-worker to defend him and sufficient opportunity was made available to him to defend him properly during the enquiry proceedings. The workman requested for adjournment on 15-7-94 for which no sufficient cause was explained by him. He did it with intend to delay the enquiry proceedings. Taking this fact into consideration, the Enquiry Officer proceeded exparte against the workman. The management had fully proved the charges against the workman and the order of dismissal passed by the Disciplinary Authority is perfectly valid and legal which does not require any interference. The workman had failed to produce the defence witness though he was given ample opportunity by the Enquiry Officer in respect thereof. The workman deliberately kept himself away from participating in the Enquiry proceedings. The management therefore cannot be blamed for the said conduct of the workman. The enquiry was properly conducted against the workman and the principle of natural justice was followed. The management had no malafides to punish the workman by serving him with a false chargesheet. The allegation of workman in this respect is baseless and far from truth. The punishment awarded by the management is proportionate to the misconduct and therefore the workman is not entitled to be reinstated with all back wages as claimed by him.

5. The points for determination in the case are as under :

1. Whether the Disciplinary Enquiry conducted against the workman was just and proper?
2. Whether the management is entitled to lead evidence to prove the alleged misconduct of workman?
3. Whether the punishment awarded by the management is just and proper?
4. Relief and costs?

6. Point Nos. 1 & 2.—Admittedly the workman was served with a chargesheet for alleged misconduct and the DE was conducted against him, during the course of enquiry, the workman had applied for adjournment as his defence Assistant was not available on the date of hearing. The Enquiry Officer did not think it proper to adjourn the proceedings any further and accordingly he proceeded with the enquiry. After carefully assessing the evidence adduced by the management during the Enquiry Proceedings, the Enquiry Officer held the charges not proved against the workman. He submitted his enquiry report to the Disciplinary Authority who disagreed

with the findings of Enquiry Officer and passed the dismissal order against the workman without giving him the opportunity of hearing before recording his conclusions. The Disciplinary Authority was found to hear the delinquent before arriving at the different conclusions. It is surprising to note that he did not think it proper to afford the opportunity to the workman to put up his case prior to the passing of dismissal order. In such a situation, the order of dismissal passed by the Disciplinary Authority is found absolutely illegal which cannot be sustained. Please see AIR-1998-SC-2713-Punjab National Bank and others versus Kunj Behari Misra with Chief Personnel (Disciplinary Authority), Punjab National Bank and others versus Shanti Prasad Goel.

7. In view of the aforesaid pronouncement by the Supreme Court, the order of dismissal passed by the management against the workman is held illegal. The Departmental Enquiry conducted against the workman is improper. Point No. 1 is answered accordingly.

8. As far as the question of adducing evidence by the management to prove the alleged misconduct of the workman is concerned, it shall be improper if the management is allowed to open the enquiry against the workman on the same charges which have been held to be not proved by the Enquiry Officer. It shall hardly be justified in allowing the management to lead evidence to prove the alleged misconduct of the workman before this tribunal in the light of the aforesaid pronouncement of the Supreme Court. Hence the management is not entitled to lead evidence to prove the misconduct of the workman.

9. Point No. 3.—In view of my finding given on point No. 1, the punishment of dismissal awarded by the management against the workman is illegal which deserves to be set aside as laid down in AIR-1998-SC-2713. This point is answered accordingly.

10. Point No. 4.—In the light of foregoing reasons, the dismissal order passed by the management against the workman is hereby set aside. It is ordered that the workman shall be reinstated with all back wages and other monetary benefits. In the circumstances of the case, parties shall bear their own cost.

11. Copy of award be sent to Government of India, Ministry of Labour as per rules

K. M. RAI, Presiding Officer.

नई दिल्ली, 4 जनवरी, 2001

का. आ. 107—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रवन्धन के संबंध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2001 को प्राप्त हुआ था।

[सं. एल-22012/398/91-आई.आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th January, 2001

S.O. 107.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 3-1-2001.

[No. L-22012/398/91-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/38/92

Presiding Officer : Shri K. M. Rai.

General Manager,
Jamuna and Kotma Areas of SECL,
PO Jamuna Colliery,
Distt. Shahdol

—Applicant.

Versus

Mohd. Ajamaluddin,
S/o Mohd. Alias,
R/o Village Lahusai,
PO Kotma,
Dist. Shahdol (MF)

—Non-applicant

AWARD

Passed on this 8th day of December-2000

1. The Government of India, Ministry of Labour vide order No. L-22012/398/91-IRC. II dated 12-2-92 has referred the following dispute for adjudication by this tribunal:—

“Whether the action of the General Manager, Jamuna and Kotma areas of SECL, P.O. Jamuna Colliery, District Shahdol in terminating the services of Mohd. Ajamaluddin Badli-workman of Govinda colliery w.c.f. 25-2-99 is legal and justified? If not, what relief is the workman entitled to?”

2. The case for the workman is that he applied for appointment to the post of worker as category I mazdoor and after the interview and comitation he was selected for the same by the management. Thereafter the management sent him for vocational training of badli worker as category-I mazdoor vide order dated 8-7-89. Thereafter his appointment was further extended for a period of 90 days vide order dated 1-9-89. In the meantime the management wanted to acquire the applicant's father's land in respect of a plot no. 938 area-4.4 acres and an agreement in this respect was signed by the parties. After this agreement, the applicants order for appointment was approved by the Dy. Manager Jamuna and Kotma Area vide order dated 15-1-90. His appointment was approved for a further period of 30 days and was allowed to perform his duties. Thereafter he was allowed to work for a week vide order dated 17-2-90. Thereafter the name of

the workman was struck off and he was stopped from attending his duty. The workman further alleges that no enquiry was conducted prior to the order of discontinuing his services by the management. He was disallowed from the work because of a case with regard to acquisition of land which was pending before the commissioner, Rewa and he did not persuade to withdraw the case and entered into an agreement with the management. His termination is against the provisions of standing orders. After completing 155 days his services could not be terminated as he became a permanent workman. The junior persons, who were appointed along with the applicant, were retained in the services by the management. The termination of workman amounts to an unfair labour practice. His termination also amounts to retrenchment and it could not be done without complying with the provisions of Sec. 25-F of I.D. Act, 1947. In view of all these facts, he is entitled to reinstatement with all consequential monetary benefits.

3. The case for the management is that the applicant was appointed as a badli workman for 90 days on temporary basis vide order dated 18-7-89. His services came to an end automatically after the expiry of the period stipulated in the appointment order. The appointment was given to the workman because land measuring 4.40 acres under Khasra no. 938 situated in village Lahsui teh. Kotma was required for mining operation. The management was informed that the said land belonged to one Shri Mohd. Idris and he was in direct possession of the same. Shri Mohd Idris requested the management for giving employment to his son applicant Mohd. Ajmuludin in lieu of acquiring the land for mining operation. Accordingly the management gave the temporary appointment for 90 days to the applicant. In pursuance of the temporary appointment order, the applicant joined his duty on 2-9-89. While working so he was granted further extension for 30 days w.e.f. 16-1-90 and on the expiry of 30 days his services were terminated w.e.f. 17-2-90 because in the meanwhile it was reported that the land did not belong to Shri Mohd. Idris but it actually belonged to M/S A.C.C. Company and the dispute was also pending before the Commissioner, Rewa for adjudication. After the nationalisation of the collieries the ownership of the said land vested in the management of SECL.

4. The management further alleged that Shri Mohd. Idris had given false information to the management and on this basis he secured temporary employment for the applicant. The SECL was the real owner of the said land. The services of the applicant were terminated as per the stipulation in the contract of service. His appointment came to an end automatically on 17-2-90. His termination is therefore just and proper which does not call for any interference. In the instant case, no enquiry was required prior to termination of the applicant's services. The provisions of Sec-25-F of I.D. Act, 1947 has not been violated by the management. His termination does not amount to retrenchment. The applicant is not entitled to any relief as claimed by him.

5. The points for the termination in the case are as under:

1. Whether the workman is entitled to reinstatement with all consequential monetary benefits?

2. Relief and costs?

6. Point No. 1—

It is an admitted fact that the workman was appointed by the management of SECL, Jamuna and Kotma after his name was sponsored through the employment exchange Shahdol and he was properly interviewed as per rules. He was employed as badli workman on temporary basis for a period of 90 days vide order dated 18-7-89. This appointment was done under the National Coal Wage Agreement No. 3 with a condition that his absorption in the company's service shall be considered after the satisfactory performance report. He was directed to report for duties to Sub Area Manager, Govinda colliery. In pursuance of this appointment order, the workman reported for duty to Sub Area Manager, Govinda on 25-7-89. On that very day he was relieved for training at Mines Vocational Training Centre, Jamuna and Kotma. The applicant undergone training, w.e.f. 26-7-89 to 16-8-89 for performing duty in the underground coal mines. The certificate in this respect Ex. P-2 was also issued to him by the training centre. He received salary/wages for a period of 22 days when he was undergoing training at the Vocational Training Centre. After successfully completing the vocational training he reported for his regular posting and the General Manager gave him the regular posting order on 1-9-89 Exhibit P-3. This appointment was for a period of 90 days. He was allotted Token No. B/5367 and his name was entered in form-B register also. This register is nothing but the service record of the workman.

7. The applicant joined his duty on 2-9-89 after receiving the regular posting order. He continued to work from 2-9-89 to 30-11-89. Thereafter he was continued in the service till 16-1-90. Again his period of employment was extended for a period of 30 days vide order dated 17-1-90 and he continued to work upto 16-2-90. Thereafter again his period was extended from 17-2-90 to 14-3-90. In this way the workman continuously worked in the employment of SECL for a period of 198 days as required under Sec-25 (b) (ii)(a)(i) of the I.D. Act, 1947. The management witness Shri Hargave has admitted that the workman was not served with any notice nor paid any retrenchment compensation before the termination of his service. The workman was working in the underground mine and therefore a requisite period of service is 190 days as per Sec.-25(b)(ii)(a)(i) of the I.D. Act, 1947, was fulfilled by him. In such a circumstance, the provisions of Sec-25-F will be applicable in this case as the workman has continuously worked for a period of 198 days. He was therefore required to be noticed and paid compensation prior to the termination of his service.

8. The management has tried to impress that the appointment of the Workman was in lieu of the land of the workman's father required to be acquired for purposes of mining operation by the SECL. One Mohd. Idris had claimed to be the real owner of the said

land. The name of the workman's father is Mohd. Ilias and not Mohd. Idris. Mohd. Ilias was neither owner of the said land nor he had applied in a prescribed proforma to the SECL for the appointment of his son applicant in lieu of his land to be acquired by the management. Mohd. Ilias was in no way connected with the land in dispute. In view of this fact, the claim of the management is entirely baseless that the workman's in lieu of his land to be acquired by the SECL. This plea in no manner can help the management in the instant case as it has no bearing with the dispute. Their own witness the then General Manager Shri S. K. Juneja has admitted in his statement that the workman was never given appointment under the quota of land ouster nor his/her father's land was acquired by the SECL. He has also admitted that the services of the workman were not terminated on the ground that he was given appointment under the employment of the land ouster in lieu of acquiring the land of his father Mohd. Idris and the land was really owned by the SECL Company. The workman had no relationship with Mohd. Idris at all. According to Shri Juneja, the real dispute of the land was between the management and Mohd. Idris and not with the father of the applicant Mohd. Ilias. In view of the management's own evidence, their claim remains unestablished as far as the reason for terminating the workman's service is concerned. They have failed to prove that the workman was terminated because the land of his father was found to be disputed and therefore it could not be acquired for mining purposes of SECL.

9. The workman had legally completed the continuous service of 198 days working in the underground mines of SECL. As laid down by the provisions of Sec-25(b)(ii)(a)(i) of I.D. Act, 1947. He was neither given any notice nor any retrenchment compensation prior to terminating his services. This termination is therefore illegal and deserves to be quashed, the workman is perfectly entitled to re-instatement with all back wages, Point No. 1 is answered accordingly.

10. Point No. 2 : In view of the findings given on point no. 1, the workman is entitled to reinstatement with all back wages and other consequential monetary benefits.

11. On the reasons stated above, the termination order of the workman by the management is hereby quashed. It is ordered that the workman be reinstated with all back wages and he be paid all the consequential monetary benefits as if he were never dismissed from service. The period of ouster from service shall be deemed to be treated on duty and this period shall be treated as continuity in service for the purposes of all pensionary benefits. In the circumstances of the case parties shall bear their own cost.

12. Copy of award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली 5 जनवरी, 2001

का. आ. 108.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबन्धतंत्र के संवद

नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम न्यायालय गोदावरी खानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-1-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2000(सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 5th January, 2001

S.O. 108.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Godavarikhani, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L and their workman, which was received by the Central Government on 4-1-2001.

[No. L-22025/25/2000(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL, CUM-LABOUR COURT, GODAVARIKHANI

PRESENT :

Sri. P. Gurunadha Rao, B.Sc., B.L., Chairman-cum-Presiding Officer.

Monday, the 23rd Day of October, 2000

Industrial Dispute No. 8 of 1996

BETWEEN

K. Chandramouli, Ex.-Ward Boy,
C/o. I.F.T.U. Office, D-576,
Gandhinagar, Near Labour Court,
Godavarikhani, Dist. Karimnagar.

—Petitioner.

AND

1. The General Manager,
Singareni Collieries Co. Ltd.,
Ramagundam-Area-III,
Godavarikhani, Dist., Karimnagar.

2. Medical Superintendent,
SCCL Area Hospital,
Ramagundam.

—Respondents.

This petition coming before me for final hearing in the presence of Sri K. Sudhakar Reddy & Sri. K. Vasudeva Reddy, Advocates for the petitioner and of Sri C. Satyanarayana Reddy, Advocate for the respondents and having stood over for consideration till this date, the court passed the following :—

AWARD

1. This is a Reference by the Central Government.

The reference is "Whether the action of the management of Area Hospital, Godavarikhani, S.C.Co. Ltd. in terminating the services of Sri K. Chandra Mouli is legal and justified, if not, what relief the concerned workman is entitled to".

The claimant Chandramouli filed claim statement stating that he was appointed as General Mazdoor in

the year, 1981. A charge-sheet was issued to the petitioner on 10-11-93 stating that he refused to do Pre-operative preparation for the case which was posted on 10-11-93. He was suspended for 10 days w.e.f. 10-11-93 to 20-11-93. Domestic enquiry was conducted and the petitioner was dismissed from the service without issuing show-cause notice.

2. Respondents filed counter stating that the petitioner was dismissed from the service on proved charges pursuant to domestic enquiry w.e.f. 4-8-95.

It is further stated that on 9-11-93, the petitioner while on duty refused to follow the lawful and reasonable instructions of his superior. The petitioner was charge-sheeted for such dis-obedience. Later on, disciplinary action was initiated against the petitioner.

3. WW-1 to WW-3 are examined and Ex. W-1 to Ex. W-6 are marked.

MW-1 and MW-2 are examined and Ex. M-1 to Ex. M-9 are marked.

4. Heard both sides.

5. The point for consideration is whether the termination of the services of the petitioner is legal and justified.

6. POINT : WW-1 is V. Jayalaxmi, She is working as Staff Nurse in the Area Hospital, Godavarikhani. She deposes that there are two barbers in the Area Hospital. They work under the supervision of staff nurse and doctors.

She further deposes that she does not know the duties of barbers and ward-boys.

She further deposes that she deposed in favour of the management in the domestic enquiry.

She does not depose anything in favour of the petitioner.

7. WW-2 is V. Kanakaiah. He is working as barber in the Area Hospital, Godavarikhani. He was originally appointed as General Mazdoor. He applied for barber post being a barber by profession. He was appointed as barber in the Area Hospital. There are two barbers posts in the Area Hospital. The barbers will attend to shaving work like shaving of beard and cutting of hair as in barber shop.

He further deposes that he used to attend to cleaning and shaving work prior to operation.

He further deposes that he refused to work when the other barber died. Hence the work was entrusted to the ward boys.

His evidence shows that the ward boys are attending to the work of cleaning and shaving prior to operation.

8 WW-3 is petitioner. He deposes that he was working as ward boy in the Area Hospital, Godavarikhani. He deposes that he was not informed of the duties to be performed by him as Ward Boy.

He further deposes that on 9-11-93, he was asked to attend to barber work for patient prior to operation. He refused to do it because it was not his duty. 59 C/1/2001--9

He further deposes that if it is emergency case, he would attend to the shaving work for a patient before operation. If it is not emergency case, he would not do it.

9. The evidence of the petitioner shows that he refused to attend to shaving work for a patient prior to operation because it was not emergency.

The evidence of WW-1 shows that she gave evidence in favour of the management in the departmental enquiry against the petitioner, that means, the ward boys were attending to pre-operative work of patients.

The evidence of WW-2 shows that Ward Boys were attending to pre operative work of patients.

10. MW-1 is Doctor K. Satya Vara Prasad, Medical Superintendent, Area Hospital, Godavarikhani. He deposes that the petitioner was working as General Mazdoor. He was promoted as Ward Boy. He was given six months training.

He further deposes that the duties of ward boys in the hospital are:—

1. Transportation of patients.
2. Dusting of the ward.
3. Preparation of patients for Surgery including shaving of the particular part of the body.

He further deposes that ward boys will attend to male patients. Ayahs will attend to female patients.

He further deposes that the duty of a barber in the hospital is to cutting hair and shaving beard of the patients in the hospital.

He further deposes that it is not the duty of barber in the hospital to prepare patients for surgery.

His evidence clearly shows that the ward boys are attending to pre-operative work of the patients particularly shaving of the particular part of the body.

11. Counsel for the petitioner argued that it is not the duty of the ward boys to attend to pre-operative work of the patients particularly shaving of the particular part of the body.

He further argued that as the petitioner was Union Leader, he was removed from the service.

12. The evidence on record clearly shows that it is the duty of the ward boys to attend to pre-operative work of patient particularly shaving of the particular part of the body.

The petitioner refused to do that job, i.e., pre-operative work like shaving of particular part of the body.

13. Counsel for the petitioner requested for deciding the point whether it is the duty of ward boys to attend to pre-operative work like shaving of particular part of the body.

It has to be decided with reference to the evidence on record.

The evidence on record clearly shows that it is the duty of the ward boys to attend to pre-operative work like shaving of particular part of the body.

WW-1 herself supported the management in the domestic enquiry.

It shows that it is the duty of the ward boys to attend to shaving work for patients before operation.

WW-2 who is a barber himself deposes that the ward boys were attending to the shaving and cleaning work of the patients before operation.

MW-1 who is no other than the Medical Superintendent of the Area Hospital, Godavarikhani, deposes that it is the duty of the ward boys to attend to cleaning and shaving work for patients before operation.

I, therefore, consider that it is the duty of the ward boys to attend to pre-operative work for patients particularly shaving of particular part of the body required to be operated.

The petitioner refused to attend to do the work entrusted to him.

The petitioner wilfully refused to do the work contending that it is not the duty of the ward boys to attend to pre-operative work like shaving of particular part of the body.

It is wilful disobedience of lawful duty.

The petitioner has no defence.

I, therefore, consider that the termination of the services of the petitioner is legal and justified.

14. Counsel for the petitioner requested for exercising power U/s. 11-A of the Industrial Disputes Act.

For exercising power u/s. 11-A of the Industrial Disputes Act, there is limit, i.e., maintenance of Industrial peace between workers and management.

If the exercise of power u/s. 11-A results in breach of peace between workers and management, certainly it is limit and power should not be exercised.

In the present case, the petitioner is bent upon asserting that it is not the duty of ward boys to attend to pre-operative work particularly shaving of particular part of the body of patient.

If the petitioner is reinstated into service, he will not attend to that work.

The other ward boys may also follow him. Then, there is breach of Industrial peace between workers and management.

I, therefore, consider that the petitioner cannot be reinstated into service, because Industrial peace shall be maintained between workmen and management. Hence, I answer the point accordingly.

In the result, the reference is answered against the claimant as "the termination of the services of the claimant is legal and justified". Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 23rd day of October, 2000.

P. GURUNADHA RAO, Chairman-cum- Presiding Officer

Appendix of Evidence Witnesses-examined

For workman:—

WW-1 — V. Jaya Laxmi, Sr. Staff Nurse, Area Hospital.

WW-2 — V. Kanakaiah, Barber, Area Hospital, Godavarikhani.

WW-3 — K. Chandramouli, petitioner.

For Management:—

MW-1 — Dr. K. Satyavara Prasad, Superintendent, Area Hospital, S. S. Co. Ltd.

MW-2 — M. Kumaraswamy, Sr. Personnel Officer, SCCL, RG-III.

Exhibits

For workman:—

Ex. W-1 dt. 20-3-92 : Proceedings of the enquiry.

Ex. W-2 dt. 24-9-93 : Copy of report of duty doctor.

Ex. W-3 dt. 11-9-93 : Letter addressed to Mr. Kanakaiah (Barber) by the D.M.O., Area Hospital.

Ex. W-4 dt. 23-3-93 : Report of over-time list in Area Hospital.

Ex. W-5 dt. 24-2-95 : Minutes of conciliation proceedings of the management and the Joint Action Committee.

Ex. W-6 dt. 25-7-97 : Report of Asst. Labour Commissioner, (Central), Mancherial.

For Management:—

Ex. M-1 dt. 13-12-93 : Writ petition No. 14283 of 1993 Judgement copy (xerox).

Ex. M-2 dt. 10-11-93 : Charge-sheet.

Ex. M-3 dt. 13-3-94 : Enquiry call letter.

Ex. M-4 dt. — : Enquiry report of the Enquiry Officer.

Ex. M-5 dt. 15-3-94 : Enquiry proceedings.

Ex. M-6 dt. 3-8-94 : Dismissal order.

Ex. M-7 dt. 26-6-94 : Show-cause notice.

Ex. M-8 dt. 20-7-94 : Reply to show-cause notice.

Ex. M-9 dt. 15-9-81 : Copy of promotion order as Ward-Boy.

नई दिल्ली, 5 जनवरी, 2001

का. आ. 109.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय गोदावरी खानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-1-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2000-सी-II]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 5th January, 2001

S.O. 109.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Godavari Khani as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 4-1-2001.

[No. L-22025/25/2000-C.I.]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL
TRIBUNAL, CUM-LABOUR COURT,
GODAVARIKHANI

PRESENT :

Sri. P. Gurunadha Rao, B.Sc., B.L. Chairman-
cum-Presiding Officer.

Wednesday, the 25th Day of October, 2000
Industrial Dispute No. 113 of 1997

BETWEEN

Byri Rajesh, S/o. B. Kumaraiah,
Aged 30yrs. R/o Bellampally,
Adilabad Dist.
Presently residing at Arenda (village),
Mandal : Manthani, Dist. Karimnagar. —Petitioner.

AND

The Chairman & Managing Director,
The Singareni Collieries Co. Ltd.,
Kothagudem, Khammam Dist. —Respondent

This petition coming before me for final hearing in the presence of Sri. K. Sudhakar Reddy, Advocate for the petitioner and of Sri. C. Satyanarayana Reddy, Advocate for the respondent and having stood for consideration till this date, the court passed the following:

AWARD

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A.P., Amendment Act, 1987.

Facts of the case briefly are as follows :—

The petitioner was appointed as badli-filler on 20-12-1988 on compassionate grounds. He worked upto 29-12-89. He was not permitted to work w.e.f. 30-12-89. The petitioner got issued a notice to the respondents. The respondents issued proceedings dt. 11-1-97 denying reinstatement. He was terminated from the service on the ground that he was not the son of Bairi Komuraiah.

2. Respondent filed counter stating that the petitioner was appointed on compassionate grounds due to death of his father Bairi Komuraiah. The petitioner falsely claimed himself as son of the deceased Bairi Komuraiah.

Bairi Rajesh and Bairi Laxmaiah working in the respondent company lodged complaint against the petitioner stated that he was not the son of Bairi Komuraiah. Further, it was complained that the wife of

the deceased Komuraiah by accepting illegal gratification from the petitioner submitted application for employment to the petitioner. The management conducted enquiry and recorded statements of co-workers of Bairi Komuraiah. It was revealed that the petitioner was not the son of the deceased Bairi Komuraiah.

The petitioner did not participate in the enquiry intentionally. The petitioner did not file any document to show that he was the son of Bairi Komuraiah. Hence, the petitioner was terminated from the service on 3-4-1989.

3. Ex. W-1 is marked on behalf of the petitioner.

Ex. M-1 to Ex. M-3 are marked on behalf of the respondent.

4. Heard both sides.

5. The point for consideration is whether the termination of the petitioner from the service is illegal, if so, whether the petitioner can be reinstated into service.

6. POINT : Ex. W-1 is reply notice dt. 2-1-97 rejecting the request of the petitioner for reinstatement.

Ex. M-1 is letter dt. 3-4-89 removing the petitioner from the service.

The reason for removing the petitioner from the service was not given in this letter.

But the petitioner knew that he was removed from the service because, he was not the son of Bairi Komuraiah.

The respondent made enquiry with regard to the petitioner whether he was the son of Bairi Komuraiah or not. The respondent came to know that the petitioner was an imposter. The wife of Bairi Komuraiah accepted illegal gratification and recommended employment to the petitioner as if he was the son of Bairi Komuraiah.

The petitioner did not produce any documentary evidence to show that he was the son of Bairi Komuraiah and he was not an imposter.

7. The petitioner ought to have examined himself as a witness in this case and ought to have proved that he was the son of Bairi Komuraiah and he was not imposter.

The petitioner did not examine himself as a witness to prove that he was the son of Bairi Komuraiah.

The petitioner cannot claim reinstatement unless he is the son of Bairi Komuraiah. If he is not the son of Bairi Komuraiah, he is an imposter. He cannot be reinstated into service.

8. There is no need to frame charge against the petitioner and there is no need to conduct regular departmental enquiry against the petitioner because it was not a misconduct during the course of employment. The very basis of appointment of the petitioner was that he was the son of Bairi Komuraiah. If that was false, the petitioner would not have been appointed at all.

Since the petitioner did not make any effort to prove that he was the son of Late Bairi Komuraiah, he was removed from the service.

The petitioner has not made any effort to prove that he is the son of Late Komuraiah atleast by examining himself as a witness in this court.

I, therefore, consider that the petitioner is an impostor and he is not the son of Bairi Komuraiah. His termination from the service is legal. He cannot be reinstated into service. Hence, I answer the point accordingly.

In the result, this petition is dismissed. The order of removal of the petitioner from service is confirmed. Each party to bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 25th day of October, 2000.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer

Appendix of Evidence Witnesses-examined

For workman:— For Management:—
—Nil— —Nil—

Exhibits

For workman:—

Ex. W-1 dt. 2/11-1-97 : Reply to notice dt. 12-12-96 letter addressed to Sri. K. Vasudeva Reddy, Adv., Remkote, Hyderabad by the General Manager, Bellampalli (P)3.

For Management:—

Ex. M-1 dt. 3-4-89 : Termination letter issued to the petitioner.

Ex. M-2 dt. 6/10-3-90 : Letter addressed to the General Manager (P), Bellampalli by Superintendent of Mines, Shantikhandi.

Ex. M-3 dt. 10-3-90 : Enquiry report.

नई दिल्ली, 8 जनवरी, 2001

का.आ. 110:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन एयरलाइंस लिमि. के प्रबंधकों के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2001 को प्राप्त हुआ था।

[सं.एल-11012/31/99-आ.आ. (सी-11)
एस.एस. गुप्ता, अवर सचिव

New Delhi, the 3th January, 2001

S.O. 110.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Airlines Ltd. and their workman, which was received by the Central Government on 3-1-2001.

[No. L-11012/31/99 IR(C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri Syed Abdullah, B.Sc., B.L., Industrial Tribunal-I.

Dated : 5th day of December, 2000
Industrial Dispute No. 54 of 1999

BETWEEN

Sri Mirza Rehaman Baig S/o M. S. Baig,
7-2-49, 5/59, DNM Colony, Sanathnagar,
Hyderabad-500 018. ...Petitioner

AND

The Chief Engineering Manager,
Indian Airlines Limited, Southern Region,
Begumpet, Hyderabad. ...Respondent

APPEARANCES :

Sri K. V. Rao, Advocate—for the Petitioner
M/s. K. Srinivasa Murthy and A. Vijay Sekhar
Reddy, Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi by its order No. L-11012/31/99-IR(C-I) dated 18-8-1999 referred the following Industrial Dispute under Section 10(1)(d) and sub-section (2A) of the Industrial Disputes Act, 1947 for adjudication to this Tribunal :

"Whether the punishment of dismissal from service awarded to Shri Mirza Rehaman Baig, by the Management of Indian Airlines is just, proper as per Rules and in proposition to his guilt? If not, to what relief is the workman entitled?"

Both parties appeared and filed their respective pleadings.

2. The petitioner—workman filed the claim statement and in brief the averments are as under : The petitioner was appointed as Helper on 7-8-1984 on compassionate grounds consequent to the death of his father. During the year 1990 he fell sick and could not attend the duties properly. So he was imposed with penalty of reduction in basic pay by one stage with cumulative effect by an order dated 27-1-1992. A charge sheet dated 14-7-1992 was issued for absenting from duty without permission alleging that "he remained absent without leave and also without prior intimation or permission whatsoever for 183 days on 19 occasions in the year 1991". It constitutes misconduct as per Standing Orders. The petitioner submitted his explanation and thereafter the enquiry was conducted on 8-7-1993 in violation of principles of natural justice, by not affording any reasonable opportunity. The petitioner was suggested that the enquiry would be nominal and further advised that if he pleads guilty, he would be exonerated from charge by a lesser punishment. Believing the version of the Officers, the petitioner admitted the same. The Enquiry Officer without considering the record and medical certificates submitted by him, submitted his report proving the charge levelled against the petitioner. The management without application of its mind, issued a show cause notice proposing dismissal from service with pre-determined mind. Finally the punishment was imposed dismissing him from service which is excessive, harsh and dis-

proportionate to the charge levelled against him. The petitioner is a lay man and not acquainted with the legal proceedings and so he could not make proper representation in the National Industrial Tribunal while it was pending there. All the while the petitioner could not secure any employment in spite of his best efforts. The petitioner is a poor man having the responsibility and is depended by a large family. He is now aged about 35 years and he is not in a position to secure any other employment anywhere. Hence prayed to set aside the dismissal order dt. 24-12-1993 and to order reinstatement with continuity of service, increments and other attendant benefits.

3. In brief, the reply filed by the management is as under : The petitioner was not regular to his duties and within a short period of his joining the service. He started remaining absent unauthorisedly and he was initially issued a 'caution Memo' for his absence for 4 days in the year 1987. He failed to show any improvement in attending the duty regularly and starting absent for longer periods. He remained absent for 125 days on 16 occasions in 1989 and for 72 days on 4 occasions from 1-1-90 to 31-3-90. So he was issued with a charge sheet dated 16-4-1990 and an enquiry was conducted into the charges. In spite of taking charge sheet and departmental enquiry thereto, there was no progress in attending the duties. But he again remained absent for 184 days on 16 occasions during the period from April to December, 1990. The petitioner was found guilty of the earlier charges. The competent authority took a lenient view and the punishment of 'reduction in basic pay by one increment for one year' was imposed. He was further charge sheeted vide Memo dated 15-5-91 for his absenteeism during the period from April to December, 1990 which was also proved in the domestic enquiry. The petitioner was punished by way of reduction in basic pay by one stage with cumulative effect vide letter dated 27-1-1992. It can be observed that the petitioner was very casual towards employment and also there was no improvement in attending the duties and so which were found to be most unsatisfactory. He again remained absent for 183 days on 19 occasions in the year 1991 and he was issued a charge sheet dated 14-7-1992. Though he received the said charge sheet, he failed to submit his explanation for it. An enquiry was conducted by giving him opportunity. The allegation that it was violative of principles of natural justice is not correct. The petitioner himself declined to take assistance during the enquiry. He pleaded 'guilty' of the charges on his own free will and volition. The petitioner has not filed any material documents or medical certificates and he failed to explain for his absence. It is not correct to state that the competent authority has passed the impugned order of dismissal mechanically. The National Industrial Tribunal after hearing both sides, delivered the judgement on 12-4-1994 upholding the action of the management. Hence prayed to confirm the impugned order of dismissal by dismissing the claim of the petitioner.

4. The point for adjudication is whether the punishment of dismissal awarded to Mr. Mirza Rehman Baig by the Management is just and proper as per rules and in proportion to his guilt? If not, to what relief the workman is entitled to?

5. The petitioner filed a memo stating that he is not disputing the validity of domestic enquiry and that the matter may be decided on merits considering the facts on record and as to the proportionality of punishment that was imposed by the Management.

6. On the date of hearing, on the side of the management, the enquiry record was marked as Exs. M1 to M16 and proceeded with.

7. Ex. M1 is the charge sheet in which the workman herein was charged that he remained absent for 183 days (i.e. on 19 occasions in the year 1991) without leave and without prior permission which amounts to misconduct as per clause 28 and 28(13) of Conduct Rules. So he was asked to submit his explanation and to state whether he desires to be heard in person or in case he wishes to examine or cross-examine the witnesses. Pursuant to issue of the charge sheet Ex. M2 intimation was issued about appointment of the Enquiry Officer asking him to attend before him and take assistance of a co-employee of the Department to defend himself. Followed by it, the Enquiry Officer sent intimation Ex. M3 to the workman to attend the enquiry on 28-5-93 and since he did not attend to the hearing, it was reposted on 8-7-93 as per Ex. M4 intimation. On the date of hearing, Ex. M5 questionnaire was given by the enquiry officer to the workman asking him to answer the questions therein. The questions that were put to workman were (1) whether he can read and write English (2) whether he understood the contents of the charge sheet (3) whether he pleads guilty of the charges levelled against him or that he requires any assistance to defend himself. For which the answers given by the workman are said to be positive. Further the Office Superintendent was requested to produce the muster roll for the year 1991 asking the workman to peruse the muster roll and if he feels necessary he may cross-examine the concerned Superintendent. As the workman has declined to cross-examine the witness underneath the proceedings and signatures of the Enquiry Officer, the Office Superintendent and the delinquent were taken. The statement of the workman was also taken to the effect that since he was threatened by the maternal uncles not allowing him to attend for duty and so he was irregular in attending to the office since 1989. If a chance is given, he is prepared to work either at CTE or any place away from Hyderabad. Further the statement was recorded about seeking pardon for the lapse that he may be permitted to earn livelihood to maintain his family. Basing on the said statement of workman, the Enquiry Officer submitted Ex. M6 Enquiry Report to the employer and in pursuance of it, the management has issued show cause notice Ex. M7 calling him to submit his explanation why he should not be imposed punishment for the proved misconduct. In Ex. M8 the workman reiterated his stand and pleaded for mercy. However Ex. M9 order was passed dismissing him from service. The management also filed Ex. M10 application under Section 33(2) of the I.D. Act seeking approval of the National Industrial Tribunal for the said dismissal imposed by the Management. Ex. M11 is the order passed by the National Industrial Tribunal approving the same by rejecting the plea raised by the workman. Further Exs. M12 to M15 are filed by the management to show that on earlier two occasions the workman was imposed with punishment by reducing his pay for his monthlong absence during the years 1989 and 1990.

8. On the basis of the record, the management has strongly put forth its case that the workman is not entitled for reinstatement as the services of the workman are detrimental to the interests of the establishment.

9. On the other hand the strong hold contention of the workman is that the enquiry was conducted as a formality and he being an illiterate was given an impression that if he admits the charges, the punishment will be lenient. Thus he was made a scape goat to admit the charges without examining the concerned witnesses and marking the documents. Further it is argued that even if the Tribunal holds that the charges are proved still by virtue of Section 11A of I.D. Act, he may seek protection pointing out that the punishment is shocking and disproportionate to the charges. The petitioner has cited the following decisions in support of the principle laid under Section 11-A of the I.D. Act emphasizing that the Tribunal is required to interfere with the impugned order when the punishment is shockingly disproportionate to the gravity of the charges.

- (1) 1996 (2) ALD 595 (High Court of A.P.)—A. Vankata Ramana Vs. Chairman, Industrial Tribunal-Labour Court, Industrial Disputes Act, 1947—Section 11-A Labour Court approving the order of dismissal of driver for entering into the room of Traffic Superintendent and attempting to assault him—Labour Court failed to consider whether the punishment imposed is commensurate with the gravity of the misconduct—High Court found the punishment to be harsh and ordered reinstatement without backwages.

- (2) 1996 (4) ALD 1009 (High Court of A.P.)—T. B. Singh vs. Industrial Tribunal-cum-Labour Court, Godavarikhani.

Industrial Disputes Act, 1947—Section 11A—Quantum of punishment—Conductor of bus removed from service for failing to issue tickets to passengers—Not a case of collecting fares but not issuing tickets—Punishment of removal from service quite disproportionate to the gravity of the offence—Denial of back-wages while reinstating him would be a deterrent punishment.

- (3) 1996 (4) ALD 618 (High Court of A.P.)—Samiullakhan Vs. Labour Court, Godavarikhani.

Industrial Disputes Act, 1947—Section 11-A—Labour Court confirmed the findings of the Enquiry Officer that the petitioner has driven the bus in a drunken state and detained the vehicle causing inconvenience to the passengers and also the punishment removal of service inflicted on the petitioner—Writ Petition filed questioning the punishment imposed—Act of petitioner being a solitary and inflicting the extreme punishment is not of proportion to the gravity of offences—Respondent directed to reinstate the petitioner without back-wages and defer two increments with cumulative effect.

- (4) 1999 (5) ALT 45.—(High Court of A.P.)—Divl. Manager, APSRTC Vs. E. Rang Reddy.

Industrial Disputes Act, Section 11-A—Interpretation of powers of Labour Court—Industrial Tribunal under Section 11-A—Removal of workman (conductor) by APSRTC for misconduct after holding disciplinary enquiry—Order challenged by workman in Labour Court—Power of Labour Court is akin to that of appellate court—Labour Court has power and jurisdiction to reappreciate the evidence adduced in the domestic enquiry and substitute its own findings even in cases where workman conceded the validity of domestic enquiry. It can reverse the findings of Disciplinary Authority Even if findings on misconduct are justified, Labour Court has power to hold dismissal as unjustified and award appropriate and lesser punishment in the circumstances of a particular case.

10. It is true that the employer had applied to the National Industrial Tribunal under Section 33(2) of the I.D. Act for approval of the punishment imposed and it was confirmed by the said Tribunal. Irrespective of the order passed under Section 33(2) of I.D. Act covered by Ex. M11 approving the dismissal of the workman from service for the proved misconduct, the workman has a statutory right under Section 11-A of I.D. Act to question the punishment as shockingly disproportionate and also seek for review of the findings of the Enquiry Officer as the Act is a welfare legislation intended to protect the interests of the workman and to have industrial peace. No doubt the management has conducted the enquiry meticulously to prove the charges of the workman by appointing an Enquiry Officer. As seen from the record, the Enquiry Officer has not examined any of the management witnesses except giving questionnaire Ex. M5 to the workman to give reply either 'Yes' or 'No' to his questions. It is not the case of the management that the workman is a fully a literate person. His admission is that he could read and write English and understood the contents of the charge sheet. Mere obtaining of his signature on the questionnaire is not a foolproof method of conducting the enquiry. The workman facing charges in a departmental enquiry is in the position of a delinquent as such the initial burden is on the management to prove the charges by producing necessary witnesses and the records but not to put questions to the delinquent asking him whether he pleads guilty or not and whether the records placed before him are true or not. Though strict rules of the Evidence Act need not be applied in the departmental enquiry. Yet the principles of natural justice are to be followed. Even though Ex. M11 order was passed by the National Industrial Tribunal approving the punishment imposed by the employer, still it is not a bar for the Labour Court or Industrial Tribunal for adjudicating the dispute under Section 10 of the I.D. Act. The Enquiry Officer has not at all examined the management's witnesses to speak out the facts relating to the charges with reference to the documents. After all the workman was holding Class IV Post of Engineer-helper who requires no educational qualification except primary education. If that is the case it is hard to expect that the workman had admitted that he knows reading and writing English that he understood the contents of the charge sheet and thereby has waived his right to be defended by a friend or co worker. As

seen from the record the Enquiry was not done in a fair manner. Despite provision to Section 11A of I.D. Act, the workman has a right to urge the grounds regarding disciplinary proceedings as a whole and if he feels he may let in evidence in regard to the same. The workman's right was recognised even under the pre-existing law and the same is retained under new Section 11-A of I.D. Act. Vide in the case of Java India Private Limited vs. Madan Mohan [1972(I) LLJ Page 360]. Even though the workman has not disputed the disciplinary proceedings, still the Labour Court or Industrial Tribunal has the power to review the entire evidence obtained at the Departmental Enquiry. It can interfere even in case where it feels that the punishment is disproportionate to the misconduct committed by the worker. It may also award lesser punishment in lieu of discharge or dismissal which it could not do under the pre-existing law. In respect of proceedings under Section 33(2) of the I.D. Act, the benefit of Section 11-A was not extended. By means of amended Act, 1971 introducing Section 11-A, the powers of Labour Court of Tribunal are enlarged to review the evidence obtained before the Domestic Enquiry which came into force with effect from 15-12-1971. Thus the amendment has empowered the Labour Court or Industrial Tribunal or National Industrial Tribunal to sit over the decision of the employer dismissing or discharging the workman from service and set aside the discharge or dismissal effected by the employer, and to award relief of reinstatement or any lesser punishment in lieu of discharge or dismissal depending upon the facts and circumstances of each case. Further by means of this power the Tribunal may interfere with the quantum of punishment even if the discharge or dismissal was justified. When in a particular case the Labour Court or Industrial Tribunal, on the facts and circumstances of the case, comes to the conclusion that a lesser punishment in lieu of dismissal or discharge from service would be sufficient.

11. Thus on an over all consideration of the factual and legal aspects, it is reasonable to hold that the punishment of dismissal of the workman herein as imposed by the employer covered by Ex. M9 is shockingly disproportionate to the gravity of the charges of misconduct committed by the workman, for absenting himself from duty. It is a fit case to give a chance to the workman to be more loyal and sincere to his service in future. If such an opportunity is not given the entire family of the workman would face severe crisis and consequences. It is just and reasonable to set aside the impugned order of dismissal.

12. In the result, an award is passed setting aside the impugned order of dismissal Ex. M9 by ordering reinstatement the workman Mirza Rehman Baig into service within 30 days from the date of publication of this award. He is not entitled for any back wages on the principle of 'no work no pay' during the period. As a measure of punishment for the misconduct, he is imposed punishment by stopping one increment without any cumulative effect.

Dictated to the Steno-typist, transcribed by him, corrected by me and given under my hand and the

seal of this Tribunal on this the 5th day of December, 2000.

SYED ABDULLAH, Industrial Tribunal-I

Appendix of Evidence

No oral evidence is adduced by both parties.

Documents marked for the Petitioner :

NIL.

Documents marked for the Respondent by consent :

- Ex. M1—Charge Sheet dated 14-7-1992.
- Ex. M2—Letter dated 22-1-1993 communicated to the petitioner about the appointment of Enquiry Officer and conducting the enquiry.
- Ex. M3—Letter dated 13-5-1993 of the Enquiry Officer fixing the enquiry as 28-5-93.
- Ex. M4—Letter dated 22-6-93 of the Enquiry Officer fixing the enquiry as 8-7-1993.
- Ex. M5—Proceedings of the Enquiry Officer.
- Ex. M6—Enquiry report dated 13-7-1993.
- Ex. M7—Show cause notice dated 23-8-93.
- Ex. M8—Reply dated 1-9-93 submitted by the petitioner to Ex. M7.
- Ex. M9—Letter dated 24-12-93 imposing the punishment of dismissal on the petitioner.
- Ex. M10—Application filed by the management before the National Industrial Tribunal for seeking approval of the action taken by the Management in dismissing the workman from service.
- Ex. M11—Order of the National Industrial Tribunal dated 12-4-1994.
- Ex. M12—Caution letter given to petitioner for his absence.
- Ex. M13—Charge sheet dated 16-4-1990 issued to the petitioner for his absence for 125 days on 16 occasions in the year 1989 and 72 days on 4 occasions during the year 1990.
- Ex. M14—Letter dated 28-12-1990 imposing the punishment of reduction in basic pay by one increment for a period of one year with effect from 1-1-1991.
- Ex. M15—Charge Sheet dated 15-5-1991 issued to the petitioner for his absence for 104 days from April to December, 1990.
- Ex. M16—Letter dated 27-1-1992 issued to the petitioner imposing the punishment of reduction in basic pay by one stage with cumulative effect with effect from 1-2-1992.

नई दिल्ली, 8 जनवरी, 2001

का.ग्रा. 111 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैमर्स एच. पी. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अन्तर्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2000 को प्राप्त हुआ था।

[मं. एल-30012/135/97-आई.आर. (सी-1)]

एम. एस. गुप्ता, अवर सचिव

New Delhi, the 8th January, 2001

S.O. 111.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. H.P.C. Ltd., and their workman, which was received by the Central Government on 26-12-2000.

[No. L-30012/135/97-IR(C-1)
S. S. GUPTA, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 39 of 1998

PARTIES:

Employers in relation to the management of Hindusthan Petroleum Corporation Limited

AND

Their Workmen.

PRESENT:

Mr. Justice B. P. Sharma, Presiding Officer.

APPEARANCE:

On behalf of Management—Mr. P. B. Chowdhury, Advocate.

On behalf of Workmen—None.

STATE: West Bengal. INDUSTRY: Petroleum. AWARD

By Order No. L-30012/135/97-IR(C-1) dated 9-11-1998 the Central Government in exercise of its powers under section 10(1)(d) and 2(A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of H.P.C.L. in denying regularisation and equality with their regular employees to Baburam Yadav Babul Ch. Das, Balai Jana, Austi Kr. Das, Rajkumar Routh is justified? If not, to what relief they are entitled?”

2. When the case is called out today, management is represented by its Advocate. None appears for the union and no step is taken on its behalf to proceed with the case. It appears from the record that no one ever appeared on behalf of the union and no step was taken on its behalf in this case, even though several adjournments were allowed for the same. It is accordingly clear that the union is no longer interested to proceed with the present reference. Mr. Chowdhury, Advocate for the management states that the present be disposed of by passing a “No Dispute” Award.

3. In the above circumstances, in the absence of any material what-so-ever for any decision in respect of the schedule under reference, this Tribunal has no other alternative but to dispose of the present reference by passing a “No Dispute” Award.

4. A “No Dispute” Award is accordingly passed and the reference is disposed of.

Dated, Calcutta,

The 5th December, 2000.

B. P. SHARMA, Presiding Officer

नई दिल्ली, 11 जनवरी, 2001

का.आ. 112.— कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारत सरकार के राजपत्र अध्याधरण अ.अ.—II खण्ड 3(ii) में दिनांक 11 जनवरी, 2000 को प्रकाशित भारत सरकार, अन्न पंचायत की अधिसूचना सं. का. आ. 32 (अ.) दिनांक 4 जनवरी, 2000 में निम्नलिखित संशोधन करती है:

उक्त अधिसूचना में “द्वय उद्देश्य हेतु केन्द्र सरकार द्वारा मान्यता प्राप्त नियोक्तों के संगठनों के परामर्श से धारा 4 के खण्ड (छ) के अन्तर्गत केन्द्र सरकार द्वारा नियुक्त” शीर्षक के तहत क्रम संख्या 40 के सामने निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

“श्री राम किशोर त्रिपाठी

सचिव,

हिन्द मजदूर सभा, (उत्तर प्रदेश राज्य)

128/239-के ब्लॉक, किदवाई नगर

कानपुर, उत्तर प्रदेश

[सं. अ-16012/1/98-एस-एस-1]

एन एच रजिस्ट्रार, अवर सचिव

New Delhi, the 11th January, 2001

S.O. 112.—In exercise of the powers conferred by Section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour No. S.O. 32(E), dated the 4th January, 2000 published in the Gazette of India, Extraordinary Part II, Section 3(ii) dated the 11th January, 2000;

In the said notification under the heading “Appointed by the Central Government under clause (g) of Section (4) in consultation with the organizations of employees recognized by the Central Government for the purposes” against Serial No. 40, the following entries shall be substituted, namely:—

“Sh. Ram Kishore Tripathy,

Secretary,

Hind Mazdoor Sabha (U.P. State),

128/239-K. Block, Kidwai Nagar,

Kanpur, Uttar Pradesh.

[No. U-16012/1/98-SSI]

L. H. RUOLNGUL, Under Secy.